

KEY

L	Lodge
V	Village
R	Residential
G/F	Golf Course and Facilities
O/G	Open Space and Golf Course
---	Lake Shore Protection Area
---	Highway Landscape Protection Area
---	Highway - Foreshore access

FIGURE 6
 State Highway Residential Activity Areas

scale 1:15,000 (A4)
 11 August 2003



- Site and zone standards requiring buildings not to be visible from the State Highway;
- Reduction in the area of Residential Activity Areas; and
- A discretionary rule for buildings in Residential Activity Areas adjacent to the State Highway.

Having considered the various options available, the Panel decided that the most appropriate approach is to place the onus on the developer to produce a design for subdivision and development that will not result in more than minor adverse effects on the environment. Accordingly, subdivision shall be assessed as a restricted discretionary activity, with the Council's discretion limited to those concerns raised above. The Panel considered that such an approach is appropriate as it:

- Requires the developer to consider and provide for the effects of development at the time subdivision;
- Restricted discretionary status provides the applicant with certainty as to the matters that the Council will consider;
- Where the effects of subdivision and development may be more than minor, the Council may publicly notify the relevant application to seek input from the public; and
- The construction of a residential unit remains a controlled activity, provided the relevant site and zone standards are complied with.

To ensure that the concerns raised above are addressed, it is considered appropriate to provide guidance to the Plan users in the form of policies (for the Zone) and assessment matters (for subdivision). Both the policies and assessment matters seek to:

- Ensure that buildings and other structures are not readily visible from State Highway 6.
- Maintain and enhance the important landscape values associated with the southern entrance to Queenstown.
- Maintain and enhance the landscape and visual amenity values of the Jacks Point Zone and surrounding environment, particularly when viewed from State Highway 6.
- Maintain and enhance any significant view corridors from State Highway 6 through and beyond the Jacks Point Zone.

Buildings which do not comply with the Structure Plan

In considering the submissions by Naturally Best New Zealand Limited and Shotover Park Limited, the Panel gave regard to the extensive landscape analysis and assessment undertaken during the preparation of the Variation. The combination of visibility analysis and landscape assessments has assisted in identifying those areas which are most appropriate for development, and consequently, those areas which are inappropriate. The amendments to the Zone dictated by the above consideration will ensure that development in accordance with the relevant structure plan and Zone provisions will not result in adverse effects which are more than minor.

Notwithstanding the above, concerns were raised by the Panel about the application of development which is not in accordance with the Structure Plan and Zone provisions. As notified, pursuant to Rule 12.2.3.4(iii), any application for development which is not in accordance with the structure plan would be assessed as a discretionary activity. However, it is the Panel's consideration that such development must be consistent with the objectives and policies of the Zone, including:

“4.1 To 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.

...

4.4 To require development to be located in accordance with a Structure Plan to ensure compatibility of activities and to mitigate the impact on neighbouring activities, the road network and landscape values.”

Accordingly, it is the Panel's decision to require all buildings (except those associated with services) within the Jacks Point Zone that are not in accordance with the Structure Plan to be assessed as a non-complying activities, thus ensuring that adequate regard is given to the Zone's objectives and policies, and future development does not result in adverse effects on the landscape and visual amenity values.

With regard to buildings directly associated with services (ie water supply systems, stormwater collection and disposal, sewage collection, treatment and disposal, energy supply, etc), it is the Panel's decision that such buildings are appropriately assessed as discretionary activities.

During it's consideration of landscape issues, the Panel realised that buildings associated with services may be necessary on the tablelands and within other sensitive areas, as well as in the central valley. The Panel considers that a discretionary activity status will, with the assistance of assessment matters, ensure that any proposal for a building associated with services has full regard to the landscape it is located within.

In very sensitive landscapes such as the tablelands and Jacks Point, buildings (including curtilage areas) directly associated with services should be avoided unless necessary, and where necessary, should not be visible from any public place or any place frequented by the public.

Other Matters

An undertaking has been given by the submitters to develop in accordance with Council approved development controls and design guidelines. Accordingly, it is the Panel's decision that the Zone provisions be amended such that any assessment of an application for a building within the Zone is undertaken with full regard to the relevant development controls and design guidelines for the area within which it is located.

With particular regard to the further submission by Henley Downs Holdings Limited, it is considered that the further submitter's are correct in stating that Peninsula Hill and Remarkables Access Road are private places, as opposed to public places. However, the further submission is incorrect to the extent that development at Jacks Point Zone will be visible, at least in part, from the Remarkables Park Zone.

The Panel accept that the development within the Zone will be visible from various public and private places. It is considered that the benefits associated with development at Jacks Point will greatly outweigh the costs associated with the same.

6.2.6 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/2] [16/35/3] and **Shotover Park Limited** [16/41/2] [16/41/3] and further submissions by **Jacks Point Limited** [322/16/35/2] [322/16/41/2] [322/16/35/3] [322/16/41/3] and **Henley Downs Holdings Limited** [343/16/35/3] [343/16/41/3] are **accepted in part**, and the following amendments are made to the Proposed District Plan and the Jacks Point Structure Plan:

Amendments to the Proposed District Plan:

"Part 12 Special Zones

12.1.4 Objectives and Policies

...

Policies

...

- 4.3 *To require the external appearance, bulk and location of buildings to have regard to the landscape values of the site.*
- ...
- 4.7 *To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.*
- 4.8 *To ensure that development within the sensitive areas of the Zone results in a net environmental gain.*
- 4.9 *To ensure that residential development is not readily visible from the State Highway.*
- 4.10 *To ensure that subdivision and development does not compromise those visual amenity values associated with the southern entrance to Queenstown.*

Implementation Methods

...

(ii) Other Methods

- (a) *Development Controls and Design Guidelines covenants in respect of buildings and landscaping.*
- (b) *Jacks Point Stakeholders Deed*

Explanation and Principal Reasons for Adoption

...

The Stakeholders Deed embodies the agreement reached between the primary landowners of the Coneburn Land and the Council, ensuring that the land within the Zone will be developed in a coordinated and harmonious manner and that the environmental and community outcomes envisaged by the Deed will be achieved.

...

12.2 Resort Zone Rules

...

12.2.3.2 Controlled Activities

...

viii Buildings

- (c) *In the Jacks Point Zone buildings which comply with the relevant Jacks Point Structure Plan Figure 1 Structure Plan — Jacks Point Zone with the exercise of the Council's control limited to:*
- *the external appearance of buildings with respect to the effect on visual and landscape values of the area and coherence with surrounding buildings;*
 - *infrastructure and servicing;*
 - *associated earthworks and landscaping; ~~and~~*
 - *access; and*
 - *compliance with any relevant Council approved development controls and design guideline.*

(d) In the Jacks Point Zone, residential buildings located within the Homesite Activity Areas (HS Activity Areas), with the exercise of the Council's control being limited to:

- the external appearance of buildings with respect to the effect on visual and landscape values of the area;
- The protection and enhancement of Wetland areas within and adjacent to the site;
- infrastructure and servicing;
- associated earthworks and landscaping;
- access and parking;
- bulk and location;
- exterior lighting; and
- compliance with any relevant Council approved development controls and design guidelines.

...

12.2.3.4 Discretionary Activities

...

iii Buildings

...

~~(b) In the Jacks Point Zone all buildings which do not comply with Figure 1 Structure Plan — Jacks Point Zone.~~

In the Jacks Point Zone, buildings located within the Lodge Activity Areas (L Activity Areas), with the exercise of the Council's discretion being limited to:

- the external appearance of buildings with respect to the effect on visual and landscape values of the area;
- infrastructure and servicing;
- associated earthworks and landscaping;
- access and parking;
- bulk and location;
- height;
- exterior lighting; and
- compliance with any relevant Council approved development controls and design guidelines.

(c) In the Jacks Point Zone, within any Homesite Activity Area (HS Activity Area), the addition of any building which results in a total building footprint greater than 1000m² within that Activity Area, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.2(viii)(d) above.

(d) In the Jacks Point Zone, buildings directly associated with services (refer definition) which do not comply with the relevant Structure Plan, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.4(iii)(b) above.

...

vi Vegetation (Jacks Point Zone)

...

(c) Within the Tablelands and Jacks Point Area (refer Structure Plan), the planting and/or cultivation of any exotic vegetation, with the exception of endemic grass species.

(d) Anywhere within the Zone, the planting and/or growing of the following tree species...

...

vii Outdoor Swimming Pools (Jacks Point Zone)

In the Jacks Point Zone, any outdoor swimming pool located within the Tablelands and Jacks Point Area (except spa pools less than 9m² and located within any Homesite or Lodge Activity Area) shall be a restricted discretionary activity, with the exercise of Council's discretion being limited to:

- Associated earthworks and landscaping:
- Colour:
- Fencing:
- Consistency with any Council approved development controls and design guidelines for the area.

...

12.2.3.5 Non-Complying Activities

...

vii Buildings

...

(b) In the Jacks Point Zone all buildings which do not comply with the relevant Structure Plan.

Except any building authorised pursuant to Rule 12.2.3.4(iii)(d)

...

x Outdoor Tennis Courts (Jacks Point Zone)

In the Jacks Point Zone, any outdoor tennis court located within the Tablelands and Jacks Point Area.

...

12.2.5.1 Site Standards

i Structure Plan

...

(h) Homesite Activity Area (HS Activity Area) – the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area.

...

iii Planting (Jacks Point Zone)

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 revegetated with native vegetation. The area required to be revegetated for the purposes of this rule shall be the greater of 3,000m² or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated. The area to be revegetated may, at the election of the owner of lot or title, be situated all or partly within the lot or title within which the Homesite Activity Area is situated and/or all or partly in another location(s) agreed by the Council. 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.

iv Fencing (Jacks Point Zone)

There shall be no fences or walls within or on the boundary of any lot or title within the Tablelands and Jacks Point Area (refer Structure Plan) of the Jacks Point Zone outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock. Any such fencing shall be post and wire only.

12.2.5.2 Zone Standards

...

ii Building Height

...

(d) In the Jacks Point Zone the maximum height of buildings shall be:

- (i) Clubhouses, restaurants, retail and residential buildings 8m
- (ii) Lodge (Area L) 10m
- (iii) Filming towers 12m
- (iv) All other buildings and structures 4m

Except in the following Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for that Activity Area:

<u>HS Activity Area Number</u>	<u>Datum (masl)</u>	<u>HS Activity Area Number</u>	<u>Datum (masl)</u>
<u>HS¹</u>	<u>372.0</u>	<u>HS¹⁰</u>	<u>395.0</u>
<u>HS²</u>	<u>381.0</u>	<u>HS¹¹</u>	<u>396.0</u>
<u>HS³</u>	<u>381.0</u>	<u>HS¹²</u>	<u>393.0</u>
<u>HS⁴</u>	<u>377.0</u>	<u>HS¹³</u>	<u>399.0</u>
<u>HS⁵</u>	<u>388.0</u>	<u>HS¹⁴</u>	<u>403.0</u>
<u>HS⁶</u>	<u>382.0</u>	<u>HS¹⁵</u>	<u>404.0</u>
<u>HS⁷</u>	<u>379.0</u>	<u>HS¹⁶</u>	<u>399.5</u>
<u>HS⁸</u>	<u>386.5</u>	<u>HS¹⁷</u>	<u>394.5</u>
<u>HS⁹</u>	<u>389.0</u>	<u>HS¹⁸</u>	<u>392.5</u>

...

xvi Temporary and Permanent Storage of Vehicles

In the Jacks Point Zone, within the Tablelands and Jacks Point Area (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:

- Motor vehicles, trailers, caravans, boats or similar objects;

- Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and
- Scaffolding or similar construction materials.

...

12.5.2 Assessment Matters

...

(ii) **Controlled and Discretionary Activities – Buildings – Resort Zones**

...

(f) For buildings within the lodge area in the Jacks Point Zone:

- ~~(i) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone like appearance, and timber weatherboards.~~
- ~~(ii) The use of non-reflective glazing.~~
- ~~(iii) The extent to which all colours will be predominantly within the shades of creams, greys and earth tones~~
- ~~(iv) The use of slate as the predominant roofing material~~
- ~~(v) The extent to which all earthworks ensure the line and form of the landscape is generally maintained, and methods for remedial earthworks and planting.~~

For buildings within the Homesite and Lodge Activity Areas (HS and L Activity Areas) in the Jacks Point Zone:

- (i) The extent to which each building meets the following external cladding criteria:

<u>South elevation:</u>	<u>Not less than 75% local stone</u>
<u>East elevation:</u>	<u>Not less than 50% local stone</u>
<u>West elevation:</u>	<u>Not less than 50% local stone</u>
- (ii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone like appearance, and timber weatherboards.
- (iii) The use of non-reflective glazing and/or eaves to minimise reflection of light off glass.
- (iv) The extent to which all colours will be predominantly within the shades of browns, greys and earth tones.
- (v) The use of local grasses, tussocks, shale (local schist chip) and slate as the predominant roofing materials.
- (vi) The extent to which all earthworks ensure that the line and form of the landscape is maintained and, in addition, methods for remedial earthworks and planting.
- (vii) The extent to which any building and/or domestic curtilage area has been designed and/or located in a manner complementary to the topography of the site.

- (viii) The extent to which the bulk, location and design of any building is subservient to the surrounding landscape and does not compromise the visual amenity values of the Zone and surrounding area.
 - (ix) The extent to which wetland areas (including waterways) within and adjacent to the site are to be protected and enhanced.
 - (x) The extent to which exterior lighting can be minimised to avoid adverse effects on amenity values.
 - (xi) The extent to which earthworks and/or landscaping is necessary to ensure that buildings do not have an adverse visual effect on landscape and visual amenity values.
 - (xii) The extent to which any proposed landscaping enhances landscape, visual amenity and ecological values.
 - (xiii) The extent to which any proposed access way is subservient to the natural topography of the site.
 - (xiv) The extent to which outdoor parking and storage areas are sited and screened within the Homesite or Lodge Activity Area, so as to avoid motor vehicles, trailers, boats, caravans, containers and similar objects being visible from beyond the Activity Area boundaries.
 - (xv) The extent to which the proposed development complies with any relevant Council approved development controls and design guidelines.
- (g) For buildings directly associated with services, in the Jacks Point Zone:
- (i) The extent to which the bulk, location and design of any building is subservient to the surrounding landscape and does not compromise the visual amenity values of the Zone and surrounding area.
 - (ii) The extent to which the proposed location for any building is necessary and appropriate, having particular regard to the surrounding landscape and visual amenity values.
 - (iii) Within the Tablelands and Jacks Point Area, the extent to which the building and associated curtilage is hidden from view from any public place or place frequented by the public.
 - (iv) Within the Tablelands and Jacks Point Area, the extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone like appearance, and timber weatherboards.
 - (v) Within the Tablelands and Jacks Point Area, the use of local grasses, tussocks, shale (local schist chip) and slate as the predominant roofing materials.
 - (vi) The extent to which all earthworks ensure that the line and form of the landscape is maintained and, in addition, methods for remedial earthworks and planting.
 - (vii) The extent to which any building and curtilage area has been designed and/or located in a manner complementary to the topography of the site.
 - (viii) The extent to which wetland areas (including waterways) within and adjacent to the site are to be protected and enhanced.

- (ix) The extent to which exterior lighting can be avoided to prevent adverse effects on amenity values.
- (x) The extent to which earthworks and/or landscaping is necessary to ensure that buildings do not have an adverse visual effect on landscape and visual amenity values.
- (xi) The extent to which any proposed landscaping enhances landscape, visual amenity and ecological values.
- (xii) The extent to which any proposed access way is subservient to the natural topography of the site.
- (xiii) The extent to which the proposed development complies with any relevant Council approved development controls and design guidelines.

...

xv Outdoor Swimming Pools (Jacks Point Zone)

- (a) The extent to which earthworks and landscaping are necessary to mitigate the potential adverse visual effects of any proposed swimming pool;
- (b) The extent to which the colour of the pool and fencing is subservient to and does not detract from the surrounding landscape values; and
- (c) The extent to which the pool and any associated features are consistent with any Council approved development controls and design guidelines that apply to the area.

...

Part 15 Subdivision, Development and Financial Contributions

...

12.2.3.3 Discretionary Subdivision Activities

...

- (v) In the Jacks Point Zone, any subdivision occurring within any Residential (State Highway) Activity Area (R(SH) Activity Area), with the exercise of Council's discretion limited to the cumulative effect of subdivision and development on landscape and amenity values, particularly as viewed from State Highway 6.

...

15.2.7.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to subdivision design, the Council shall have regard to, but not be limited by, the following assessment matters:

...

- (ix) In the Jacks Point Zone, within any Residential (State Highway) Activity Area (R(SH) Activity Area), the Council shall consider the extent to which subdivision, the location of building platforms and proposed development and landscaping:
 - (a) Ensures that buildings and other structures are not readily visible from State Highway 6;
 - (b) Maintains and enhances the important landscape values associated with the southern entrance to Queenstown;

- (c) Maintains and enhances the landscape and visual amenity values of the Jacks Point Zone and surrounding environment, particularly when viewed from State Highway 6; and
- (d) Maintains and enhances any significant view corridors from State Highway 6 through and beyond the Jacks Point Zone.”

Amendments to the Jacks Point Structure Plan: Refer Figure 7 – Amended Jacks Point Structure Plan (Section 6.2.6 of the Jacks Point Decision)

Those parts of the submissions by Naturally Best New Zealand Limited and Shotover Park Limited which are accepted relate to recognising the importance of the landscape and visual amenity values associated with the site and providing for those values through the Variation. Those parts of the submissions which are not accepted relate to rejecting the Variation in its entirety.

Those parts of the further submissions by Jacks Point Limited which are accepted relate to the amendments proposed by the submitter, such that changes are made to the Zone provisions to ensure that development will not result in adverse effects that are more than minor. Those parts of the further submissions which are not accepted relate to the Zone, as notified, having sufficient regard to the landscape and visual amenity values of the site, particularly those associated with its ONL categorisation.

Those parts of the further submissions by Henley Downs Holdings Limited which are accepted relate to the original submitter erroneously siting the Peninsula Hill and the Remarkables Access Road as public places. Those parts of the further submissions which are not accepted, relate to development at Jacks Point Zone not being visible from the Remarkables Park Zone.

Reasons for Decision

1. The above amendments will assist in ensuring that development within the Jacks Point Zone does not result in adverse effects on landscape and visual amenity values, as perceived from within and beyond the Zone boundaries.
2. The above amendments will ensure that development on the tablelands and Jacks Point is subservient to the surrounding landscape.
3. The above amendments will assist in ensuring that development in the Jacks Point Zone results in a net environmental gain.

6.2.7 Submissions – Inconsistencies with District and Regional Policy Documents

Naturally Best New Zealand Limited [16/35/4] and **Shotover Park Limited** [16/41/4] submit that the proposed Variation is inconsistent with the provisions of the Proposed Plan, the Proposed Regional Plan: Air, the Proposed Regional Plan: Water, and the Regional Policy Statement for Otago. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/4] [322/16/41/4] oppose the submissions on the basis that the proposed Variation is not inconsistent with the Proposed Plan, the Proposed Regional Plan: Air, the Proposed Regional Plan: Water and the Regional Policy Statement for Otago.

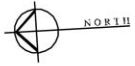
6.2.8 Consideration

Queenstown Lakes Proposed District Plan

Part 4 of the Proposed District Plan relates to District Wide issues and provides Objectives, Policies and methods for addressing those issues identified. It is considered that, subject to those amendments made in this decision, the Proposed District Plan provisions for Jacks Point Zone are consistent with the District Wide objectives and policies.

Regional Plan: Air

The relevant objectives set out in the Regional Plan: Air are:



KEY

- | | | | |
|-------|-----------------------------|-----|---|
| L | Lodge | G | Golf Course and Open Space |
| V | Residential/Village | G/F | Golf Course, Open Space and Recreational Facilities |
| R | Residential | --- | Lake Shore Protection Area |
| R(SH) | Residential (State Highway) | --- | Highway Landscape Protection Area |
| HS | Tablelands Homesteads | --- | Highway - Foreshore access |
| G | Golf Course and Open Space | █ | Tablelands and Jacks Point Area |



FIGURE 7
 Amended Jacks Point Structure Plan
 (Section 6.2.6 of the Jacks Point Decision)

- “6.1.1 *To maintain ambient air quality in parts of Otago that have high air quality and enhance ambient air quality in places where it has been degraded.*
- 6.1.2 *To avoid adverse localised effects of contaminant discharges into air on:*
- (a) Human health;*
 - (b) Cultural, heritage and amenity values;*
 - (c) Ecosystems and the plants and animals within them; and*
 - (d) The life-supporting capacity of air.*
- 6.1.3 *To allow for the sustainable use of Otago’s air resource.”*

It is considered that those activities proposed within the Jacks Point Zone will not result in outcomes contrary to the Regional Plan: Air. Notwithstanding this, concern is raised over the potential adverse effects associated with domestic heating discharges that may become more substantial over time, given the extent of development proposed by the Variation.

Discussions between Otago Regional Council officers and Council’s planning staff have concluded that rules relating to discharges to air are appropriately contained in regional plans only. As such, the Otago Regional Council is of the opinion that, if and when the time is appropriate, the Queenstown Lakes District Council should request that the Regional Council vary their Regional Plan: Air to incorporate any new urban areas that have the potential to cause an adverse effect due to the cumulative effect of domestic heating discharges.

Proposed Regional Plan: Water

Part 5 of the Proposed Regional Plan: Water relates to ‘Natural and Human Use Values of Lakes and Rivers’. The relevant objectives for the Region and Jacks Point Zone in that section are:

- “5.3.2 *To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago’s lakes and rivers.*
- 5.3.3 *To protect the natural character of Otago’s lakes and rivers and their margins from inappropriate subdivision, use or development.*
- 5.3.4 *To maintain or enhance the amenity values associated with Otago’s lakes and rivers and their margins.*
- 5.3.5 *To maintain or enhance public access to and along the margins of Otago’s lakes and rivers.*
- 5.3.7 *To maintain the heritage values associated with Otago’s lakes and rivers, and their margins.*
- 5.3.8 *To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago’s lakes and rivers.”*

It is considered that the provisions of the Jacks Point Zone will assist in achieving the objectives of Part 5 the Proposed Regional Plan: Water, particularly as they relate to:

- The protection and enhancement of the natural character of Lake Wakatipu’s margins;
- Amenity values associated with the lake’s margins;
- The enhancement of public access to the lake margins; and
- The protection of heritage and cultural values associated with Lake Wakatipu.

Part 6 of the Proposed Regional Plan: Water relates to ‘Water Quantity’. The relevant objectives for the Region and Jacks Point Zone in that section are:

- “6.3.2 *To provide for the water needs of Otago’s primary and secondary industries, and community domestic water supplies.*

6.3.4 *To maximise the opportunity for diverse consumptive uses of water which is available for taking.*

6.3.7 *To minimise the adverse effects from fluctuations in the levels of controlled lakes.”*

It is considered that Lake Wakatipu has sufficient water feed to supply local primary and secondary industries, and community domestic requirements, without any significant fluctuation in level. In this regard Variation 16 is consistent with the above objectives for the Region.

Part 7 of the Proposed Regional Plan: Water relates to ‘Water Quality’. The relevant objective for the Region and Jacks Point Zone in that section is:

“7.5.1 To maintain or enhance the quality of water in Otago’s lakes and rivers so that it is suitable to support their natural and human use values.”

The proposed development at Jacks Point Zone will not have adverse effects on Lake Wakatipu’s water quality. No residential or similar development is proposed directly adjacent to the lake’s margins, and it is proposed that all disposal of effluent will be to ground, as opposed to water (as recommended within the relevant infrastructure reports for Jacks Point Zone).

Part 9 of the Proposed Regional Plan: Water relates to ‘Groundwater’. The relevant objectives for the Region and Jacks Point Zone in that section are:

“9.3.1 To sustain the recognised uses of Otago’s groundwater.

9.3.2 To maintain long term aquifer yield in Otago’s groundwater resources.

9.3.3 To maintain the quality of Otago’s groundwater.”

Site and soil analysis undertaken over the Coneburn Downs area show that it is possible to discharge waste water to land with no more than minor effect on the environment, including any groundwater aquifers that may be identified. It is considered that those activities permitted within the Zone will not effect groundwater supply and any required water will be sourced from Lake Wakatipu. In this regard, development proposed at the Jacks Point Zone is consistent with the objectives of the Proposed Regional Plan: Water as they relate to groundwater.

Part 10 of the Proposed Regional Plan: Water relates to ‘Wetlands’. The relevant objective for the Region and Jacks Point Zone in that section is:

“10.3.1 To maintain or enhance the following values of Otago’s remaining wetlands:

(a) Habitat for flora and fauna;

(b) Natural character;

(c) Hydrological values; and

(d) Kai Tahu cultural and spiritual beliefs, values and uses.”

Subject to the amendments made in this decision, it is considered that the Jacks Point Zone provisions are consistent with the above objective, in that they will enhance and protect the natural and cultural values of wetlands within the Zone.

Regional Policy Statement for Otago

The Regional Policy Statement provides an overview of the resource management issues for Otago. It also provides objectives, policies and methods for achieving integrated management of the region’s natural and physical resources, including air and water. Having due regard to the relevant objectives and policies and the above discussion, it is considered that the provisions for Jacks Point Zone are consistent with the intent of the Regional Policy Statement for Otago.

6.2.9 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/4] and **Shotover Park Limited** [16/41/4] are **rejected** and that the further submissions by **Jacks Point Limited** [322/16/35/4] [322/16/41/4] are **accepted**.

Reasons for Decision

1. Subject to the amendments made in this decision, Variation 16 is consistent with the District Wide provisions of the Queenstown Lakes Proposed District Plan.
2. Variation 16 is consistent with the Proposed Regional Plan: Air.
3. Subject to the amendments made in this decision, Variation 16 is consistent with the Proposed Regional Plan: Water.
4. Variation 16 is consistent with the Regional Policy Statement for Otago.

It is noted that the Otago Regional Council has recommended that the Queenstown Lakes District Council, prior to residential development being undertaken within the Jacks Point Zone, request that the Otago Regional Council vary their Regional Plan: Air to incorporate the Zone (and any other new urban areas) in schedule 1.2, as it relates to domestic heating discharges.

6.2.10 Submissions – Inconsistencies with Environment Court Decisions

Naturally Best New Zealand Limited [16/35/5] and **Shotover Park Limited** [16/41/5] submit that the proposed Variation is inconsistent with decisions of the Environment Court, specifically C180/99 and C74/2000. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/5] [322/16/41/5] oppose the submissions on the basis that the proposed Variation is not inconsistent with the findings of the Environment Court in *Wakatipu Environmental Society v QLDC Decision 180/99*.

6.2.11 Consideration

It is considered that, subject to the amendments made throughout this decision, Variation 16 is consistent with the findings of Environment Court decisions C180/99 and C74/2000. Those decisions relate specifically to the categorisation and protection of outstanding natural landscapes and visual amenity landscapes.

Section 6.2.6 of this decision is made in regard to the *Protection of Landscape and Visual Amenity Values*. That decision amends the Variation to achieve consistency with the above-mentioned Court decisions, and in doing so, also achieves greater sustainable management of the Coneburn Downs area.

6.2.12 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/5] and **Shotover Park Limited** [16/41/5] are **rejected** and that the further submissions by **Jacks Point Limited** [322/16/35/5] [322/16/41/5] are **accepted**.

Reasons for Decision

1. Subject to the amendments in this decision, Variation 16 is consistent with decisions of the Environment Court, specifically C180/99 and C74/2000.

6.2.13 Submissions – Council's Section 32 Assessment

Naturally Best New Zealand Limited [16/35/6] and **Shotover Park Limited** [16/41/6] submit that the Council's analysis of the proposed Variation pursuant to Section 32 of the Act has

been inadequate and cursory in its consideration of several important issues. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/6] [322/16/41/6] oppose the submissions on the basis that the section 32 analysis is not inadequate.

Henley Downs Holdings Limited [343/16/35/6] [343/16/41/6] submit that the Council's Section 32 report is not flawed and the submission overlooks the settlement strategy report undertaken by the Council in the early 1990's and the Council's pre District Plan review investigations.

Naturally Best New Zealand Limited [16/35/14] and **Shotover Park Limited** [16/41/14] submit that the proposed Variation is not supported by many of the provisions set out in section 2.5.1 of the Council's Section 32 assessment. Those objectives and policies identified do not assist with the consideration of the proposed Variation. The submitters seek that Variation 16 be rejected.

Naturally Best New Zealand Limited [16/35/15] and **Shotover Park Limited** [16/41/15] submit that the proposed variation is not supported by the objectives and policies added to the Proposed Plan (as a result of the recent Environment Court hearings) concerning landscape matters. In particular, of those provisions listed in section 2.5.2, the proposed variation is contrary to objective 4.2.5, policies 1(a), 1(b), 1(c), 4(a) and 6(d). The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/15] [322/16/41/15] oppose the submissions on the basis that the proposed Variation is supported by the objectives and policies added to the Proposed District Plan as a result of the Environment Courts determinations arising from references to the District Plan.

Naturally Best New Zealand Limited [16/35/16] and **Shotover Park Limited** [16/41/16] submit that in section 2.5.2 of the section 32 assessment there is a failure to refer to further provisions added to 4.2.5 of the Proposed Plan, which have not been mentioned in the section 32 assessment at all. The submitters draw the Council's attention to the notable omission of any reference to policies 2(a) to (c) and 3(a) to (c) added by the Court in decision C180/99, and varied in the decision C74/2000. Those policies relate to the Wakatipu basin's and Greater Wakatipu area's status as an Outstanding Natural Landscape. The proposed variation is inconsistent with those policies. The submitters seek that Variation 16 be rejected

Naturally Best New Zealand Limited [16/35/24] and **Shotover Park Limited** [16/41/24] submit that the purpose of the proposed Variation as described in the Background Reports is inconsistent with the actual effect of the rules and structure plan in the proposed variation. The submitters seek that Variation 16 be rejected.

6.2.14 Consideration

With regard to those submissions that dispute the validity of the variation process undertaken by the Council for Variation 16, attention is drawn to the Ministry for Environment's good practice guide for 'Proposed Plan Submission Analysis', which states (page 7):

"Councils initiate variations on proposed district plans. Councils ensure that there is sufficient information available, that the variation is consistent with the purpose and principles of the RMA, and that it all meets the requirements of section 32 of the RMA."

The Queenstown Lakes District Council initiated Variation 16 as a response to ongoing demands for development and to facilitate future growth within the District. Experts from throughout the country undertook much of the preparation work which, along with a draft section 32 analysis, was forwarded to Council's planners for preparation to present to the Council. On 6 October 2001 the Council, having ensured that Jacks Point Zone was in accordance with the purpose and principles of the RMA, notified the Variation and called for

submissions. It is therefore considered that the Council has complied with its statutory obligations and the variation process has been appropriate and is not ultra vires.

The purpose of the Variation is described within sections 1.2.2 and 1.2.3 of the Council's section 32 analysis as:

"1.2.2 The purpose of the variation is to enable the development of the land for a high quality golf resort based primarily on a golf course, with associated housing, visitor accommodation and outdoor opportunities.

"1.2.3 The Variation proposes the inclusion in the District Plan of a new 'special zone' within Part 12 of the Plan. This zoning identifies the issues, objectives, policies, methods, assessment matters and anticipated environmental results for development of this land."

It is considered that the Variation as notified (ie the amendments to the Proposed District Plan) reflects the purpose of the Variation, as described above.

Section 32 of the RMA relates to the Council's duties to consider alternatives and assess benefits and costs when adopting any objective, policy, or rule within its District Plan. In complying with its statutory obligations under section 32 the Council has given regard to the Ministry for the Environment's publication, "What are the Options?" Additionally, contact was made with the Ministry prior to undertaking the section 32 analysis, to ensure that the correct procedure would be followed. It is considered that the section 32 analysis, as adopted by the Council prior to notification of Variation 16, is adequate and fulfils the Council's obligations under the RMA.

Notwithstanding the above, it is considered that the Council's section 32 obligations are not limited to being carried out prior to the notification of the Variation. Since the notification of Variation 16, the Council has continued to carry out research in regard to the subject land and the wider environment (refer Coneburn Area Resource Study and Landscape Assessment for Jacks Point Variation). Furthermore, any amendment made within this report has not been made without the consideration of alternative options and assessment of benefits and costs.

Naturally Best New Zealand and Shotover Park submit that the Council's analysis of the proposed Variation pursuant to Section 32 of the Act has been inadequate and cursory in its consideration of several important issues. Those specific issues raised by the submitters are addressed below. Notwithstanding this, it is considered that any issues raised by the public will be adequately dealt with through the consideration and decisions throughout this report.

Naturally Best New Zealand and Shotover Park Limited submit that the objectives and policies identified in section 2.5.1 of the Council's Section 32 assessment do not assist with the consideration of the proposed Variation. The objectives and policies identified relate to urban growth in relation to existing communities. It is considered necessary to identify relevant District Wide objectives and policies' relating to urban growth, as it provides certainty that the Variation is in accordance with the overall intent of the Proposed District Plan. In particular, section 2.5.1 of the Council's section 32 analysis reiterates that:

- Future urban growth must have regard for the built character and amenity values of existing urban areas;
- Enable communities to provide for their social, economic and cultural well-being; and
- Provide for residential growth sufficient to meet the District's needs.

The submitters state the Variation is contrary to objective 4.2.5, policies 1(a), 1(b), 1(c), 4(a) and 6(d) of the Proposed District Plan (and referred to in section 2.5.2 of the Council's section 32 report). However, it is considered the Variation is consistent with those District Plan provisions, as detailed below:

Table 3 – Variation Consistency with Part 4.2.5 of the Proposed District Plan

Policy	Intent of Jacks Point Zone
1(a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.	Subject to the amendments in this decision, all subdivision and development proposed within the Jacks Point Zone must be sensitive to the environmental and visual amenity values of the landscape.
1(b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.	Extensive visual analysis has been taken place of the Coneburn Downs area to identify those areas that can potentially absorb development with no more than minor effects on the visual amenity values of the area.
1(c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.	All subdivision and development is to be carried out in accordance with the relevant structure plan, which has been designed with regard to the landscape topography and values, areas of ecological significance and overarching nature conservation concepts.
4(a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are: - Highly visible from public places and other places which are frequented by members of the public generally; and - Visible from public roads.	Visibility analysis studies and landscape assessments carried out in regard to the subject site and adjoining land have given full regard to visibility issues (including views from public roads and Lake Wakatipu), particular considering the landscape category of the site. It is considered that the variation, as amended by this decision, is consistent with the Council's policy.
6(d) To avoid, remedy or mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.	Development within the Jacks Point Zone is limited to 5% of the entire zone. Areas appropriate for development are identified in the relevant structure plan. Accordingly, subdivision and development will not be sprawling, but rather it will be clustered and visually sensitive.

Naturally Best New Zealand Limited and Shotover Park Limited submit that Variation 16 is inconsistent with section 4.2.5, policies 2(a) to (c) and 3(a) to (c) of the proposed District Plan.

Policies 2(a) to (c) are not relevant to the assessment of subdivision and development within the Coneburn Downs area, as these provisions relate to Outstanding Natural landscape – District Wide (ONL – DW). Jacks Point Zone is located within ONL – WB.

With regard to policies 3(a) – (c), it is considered the Variation is consistent with those District Plan provisions, as detailed below:

The submitters state that in section 2.5.2 of the section 32 assessment there is a failure to refer to further provisions added to Part 4.2.5 of the Proposed Plan, which have not been mentioned in the section 32 assessment at all. The submitters draw the Council's attention to the notable omission of any reference to policies 2(a) to (c) and 3(a) to (c) added by the Court in decision C180/99, and varied in the decision C74/2000. Those policies relate to the Wakatipu basin's and Greater Wakatipu area's status as an Outstanding Natural Landscape. The proposed variation is inconsistent with those policies. The submitters seek that Variation 16 be rejected

Table 4 – Variation Consistency with Part 4.2.5 of the Proposed District Plan

Policy	Intent of Jacks Point Zone
3(a) To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu basin unless subdivision and/or development will not result in adverse effects which will be more than minor...	Subject to the amendments in this decision, it is considered that adequate assessment of any proposal for development in the ONL – WB will be undertaken before any it is permitted to occur, thus ensuring that landscape, visual amenity and natural character values are not adversely effected.
3(b) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.	Development within the Jacks Point Zone is limited to 5% of the entire zone. Areas appropriate for development are identified in the relevant structure plan. Accordingly, open space within the ONL – WB will be retained.
3(c) To remedy or mitigate the continuing effects of past inappropriate subdivision and/or development.	No previous subdivision has occurred on the subject land.

Having had regard to the above discussion and the amendments in this decision, it is considered that the Jacks Point Zone is consistent with District Wide objectives and policies of the Proposed District Plan.

6.2.15 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/6] [16/35/14] [16/35/15] [16/35/16] [16/35/24] and **Shotover Park Limited** [16/41/6] [16/41/14] [16/41/15] [16/35/16] [16/41/24] are **rejected** and the further submissions by **Jacks Point Limited** [322/16/35/6] [322/16/41/6] [322/16/35/15] [322/16/41/15] and **Henley Downs Holdings Limited** [343/16/35/6] [343/16/41/6] are **accepted**.

Reasons for Decision

1. The Jacks Point Zone, as notified and amended by this decision, is consistent with District Wide objectives and policies of the Proposed District Plan.

6.2.16 Submissions – Economic Viability of the Land Resource

Naturally Best New Zealand Limited [16/35/9] and **Shotover Park Limited** [16/41/9] submit that the land subject to the proposed Variation is recognised to be economic and viable rural land, which is limited and finite resource in the District. The resource should be preserved in the Variation and Plan. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/9] [322/16/41/9] oppose the submissions on the basis that it is inappropriate that the land subject to Variation be preserved only for rural purposes.

6.2.17 Consideration

With regard to the economic viability of the land subject to Variation, two relevant reports have been prepared:

Report Title	Author	Date of Release
Remarkables Station Property Report	M F Moore, Moore and Associates	August 2001
Economic Analysis of the Jacks Point Zone Variation	Philip Donnelly and Associates Limited	September 2001

With regard to the economic viability of Remarkables Station as an ongoing farming entity, Mr Moore, a Registered Primary Industry Consultant, states in summary of his report:

“The property is currently a sound economic farming unit and will remain so even with a twenty percent reduction stock carrying capacity for the reduced land area. With the loss of some land well suited to winter feed production further development will be undertaken on the balance land to restore some of the balance of the remaining property. This combined with reduction in ewe numbers and with development of part of the property for deer farming will improve the productivity of the balance of the land and maintain this land actively being farmed.”

It is concluded from Mr Moore’s statement that there will be no adverse effect on the economic viability of Remarkable’s Station from the establishment of the proposed Jacks Point Zone.

Further to the above discussion, it is considered that the proposed Jacks Point Zone will provide for greater sustainable management (in terms of managing the land resource in a way that provides for the community’s economic benefit) than does the land as a farm entity. This is confirmed by the Economic Analysis of Jacks Point Zone prepared by Philip Donnelly and Associates.

The above mentioned report, which essentially evaluates the market costs and benefits associated with the Jacks Point Zone and the Rural General Zone and subsequently the efficiency of the Variation, concludes with the following statements:

“... the Variation will result in potential loss of agricultural production. The potential loss to the economy of economic wellbeing should be offset many times by the enabled developments and land uses. The construction of the resort and its associated buildings and the accommodation of a large number of additional short and long stay visitors/residents will increase the district’s households, employment and regional gross domestic product...”

The proposed Variation should promote efficiency and therefore the zoning of the applicable land as a golf resort is the most appropriate means of Council exercising its functions with respect to control of subdivision and subsequent use from an economic perspective.”

With regard to the above discussion, it is considered that the proposed Jacks Point Zone is the an efficient and appropriate use of the subject land and will not compromise the Remarkables Station as viable rural land appropriate for farming activities.

6.2.18 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/9] and **Shotover Park Limited** [16/41/9] are **rejected**, and that the further submissions by **Jacks Point Limited** [322/16/35/9] [322/16/41/9] are **accepted**.

Reasons for Decision

1. Jacks Point Zone will provide for greater sustainable management (in terms of managing the land resource in a way that provides for the community’s economic benefit) than Rural General Zoning.
2. Jacks Point Zone is an efficient and appropriate use of the subject land and will not compromise the Remarkables Station as a viable rural land resource appropriate for farming activities.

6.2.19 Submissions – Status of Activities

Naturally Best New Zealand Limited [16/35/10] and **Shotover Park Limited** [16/41/10] submit that the proposed Variation allows too many activities to take place as permitted activities and without the need to obtain resource consent. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/10] [322/16/41/10] oppose the submissions on the basis that the proposed Variation contains adequate and sufficient environmental controls in respect of the anticipated activities.

Mr John Edmonds provided evidence to the Panel in response to the recommendations made in regard to earthworks in the relevant the Planner's Report. In summary Mr Edmonds argued that:

- It is anticipated that within the Jacks Point Zone the creative use of earthworks will be a major method of mitigating visual effects;
- Rules relating to residential units already contain assessment matters that relate to earthworks;
- The Council can manage the effects of earthworks associated with residential units through the controlled and discretionary activity rules that are currently proposed for buildings;
- The addition of an earthworks rule to the Jacks Point Zone for residential and village buildings will not be efficient and has the potential to create conflicting rules;
- The proposed earthworks rule for Open Space and Golf Course Activity Areas imposes an arbitrary volume and area that will not benefit any party and makes construction of a golf course a discretionary activity. Such a rule decreases certainty in terms of the development of the site;
- The basis for proposing the earthworks rules is questioned, particularly given that no submission provides the Council with the leverage to introduce the proposed rules.

Following discussions with the Hearings Panel, Mr Edmonds presented a further proposal to the Council, as a compromise between the position of Jacks Point Limited and the Council's Planner. The draft proposed all earthworks that exceed 1000m³ and/or 2500m² be a controlled activity, except when associated with subdivision or a building that has resource consent. A list of assessment matters was also proposed.

The recommendation by the Council's Planner to delete the rule allowing for accessory and utility buildings less than 40m² was discussed by the submitter and the Hearings Panel. The submitter, upon consideration of the Planner's justification for the recommendation, agreed that there was merit in deleting the proposed rule.

6.2.20 Consideration

Naturally Best New Zealand Limited and Shotover Park Limited are concerned that the Jacks Point Zone allows too many activities as permitted activities. The provisions of the Zone require all activities to be carried out in accordance with the Jacks Point Structure Plan. Any activity that is not carried out in accordance with the Structure Plan is assessed as a discretionary activity. Activities within the Zone are also subject to the relevant rules and site and zone standards. It is considered that, subject to the decisions in this report (including those directly hereafter), that the Jacks Point Zone provisions and Structure Plan represent sound resource management planning in accordance with the purpose and principles of the RMA.

Earthworks

Notwithstanding the above discussion, concern is raised over the lack of standards as they relate to earthworks within the Zone. Earthworks have the potential to cause adverse effects such as:

- Contamination and siltation of ground, river and lake waters;
- Erosion;
- Degradation of landscape and visual amenity values;
- Adverse effects, such as decreased stability, on adjoining sites;
- Disruption of vegetation;
- Potential dust emissions to air; and
- Disturbance of cultural heritage values, including Waahi Tapu and Waahi Taoka sites.

All zones within the Queenstown Lakes District, except resort zones, are subject to provisions for earthworks. It is considered appropriate that Jacks Point Zone also be subject to such provisions to ensure that the adverse effects listed above do not eventuate. Accordingly, it is considered appropriate that the provisions for the Zone be amended to the extent that:

- Those earthworks rules applying to urban areas (ie the Low Density Residential Zone) of the District be applied to the Zone in all instances, except in relation to subdivision, the construction, addition or alteration of any building, and golf course development; and
- A controlled activity rule be established for any earthworks related to golf course development, over and above 1,000m³ in volume and/or 2,500m² in area.

The above amendments recognise that the purpose of the Jacks Point Zone is to provide for, at least in part, an eighteen hole golf course. Such an activity will require significant earthworks. While such earthworks have the potential to result in the adverse effects listed above, it is necessary to recognise and provide for the purpose of the Zone. The allowance for a greater volume of earthworks in open areas recognises the purpose of the Zone and that there is less potential for effects on adjoining landowners in these areas.

In addition to the Site Standards discussed above, control over earthworks is also retained in conjunction with the establishment of any new building, parking, loading or access. The Council has reserved control over all buildings, parking, loading and access, including the effect of associated earthworks, regardless of the volume. As such, the Council may apply consent conditions to ensure that any potential adverse effects resulting from earthworks are avoided, remedied or mitigated.

Buildings

In addition to earthworks, concern is also raised over the lack of controls for accessory, utility and service buildings less than 40m² floor area. Site Standard 12.2.5.1(i) states:

“...the siting of buildings and activities within the Resort Zones must be in conformity with the Activity Areas of the relevant structure plans as set out below and in Figure 1 to this Rule, except for accessory, utility, and service buildings less than 40m² floor area.”

It is considered that buildings with a floor area of 40m² (and to a height of 4m) have the potential to cause adverse effects on the environment, especially visual amenity. With consideration given to the sensitive nature of the landscape at Jacks Point, it is considered appropriate that any building within the Jacks Point Zone be subject to Site Standard 12.2.5.1(i) and accordingly, it is appropriate to amend the Plan to recognise this.

Golf Courses

On contemplation of the Zone purpose (as it has evolved through the planning process) and the activities permitted within the Zone, the Panel raised concerns over the provision of golf facilities as a permitted activity and the consequences this may have on future community development of the Zone.

For all intents and purposes, the Panel accepted that the purpose of the Zone does provide for golf course activities, and as such, it is appropriate to provide for an 18-hole course, as described in the original section 32 analysis. Notwithstanding this, the community need for a second golf course, and the use of the land resource at Jacks Point for such an activity, was debated at length by the Panel. It is considered that a second golf course as a permitted activity is inappropriate for the following reasons:

- While such an activity may be of commercial benefit to the proprietor, such land use may compromise other opportunities available to the Jacks Point community;
- Future community development (social, economic and cultural) at Jacks Point may be compromised by the addition of a second golf course; and
- It is appropriate to encourage a range of recreational activities (as opposed to only golf) within the Jacks Point Zone, thus providing opportunities for the wider community.

The provision of a second golf course as a discretionary activity would provide the community, particularly those within the Jacks Point Zone, the opportunity to submit on whether such a land use is appropriate or whether other options need to be considered.

Signs

As notified, signs within the Jacks Point Zone, pursuant to Part 18 of the Proposed District Plan, are permitted, provided that they are:

- No greater than 2m² in area;
- Located on site;
- Do not project over any road or service lane; and
- Do not extend over any footpath (unless they are at least 2.5m above the footpath and do not extend more than 1m over the footpath).

While the Panel considered that it was appropriate to provide for signs as permitted above, they also considered it necessary to have control over all signs within the Jacks Point Zone, for the following reasons:

- The provisions of the Jacks Point Zone place significant emphasis on achieving a high standard of visual amenity throughout the Zone;
- Signs of inappropriate colour and design have the potential to detract from landscape and visual amenity values; and
- Appropriate and consistent design of signs throughout the Zone will have a positive impact on the amenity values associated with the Zone.

Accordingly, it is the Panel's decision to amend Part 18 of the Proposed District Plan to provide for all signs in the Jacks Point Zone as controlled activity, with the Council's control limited to the following matters:

- Colour;
- Design;
- Consistency with any relevant Council approved development controls and design guidelines; and
- Consistency with public sign policy and controls throughout the District.

6.2.21 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/10] and **Shotover Park Limited** [16/41/10] are **accepted in part**, and the further submissions by **Jacks Point Limited** [322/16/35/10] [322/16/41/10] are **rejected**, and the following amendments are made to the Jacks Point Zone provisions:

"12.2.3.2 *Controlled Activities*

...

xi *Earthworks*

In the Jacks Point Zone, earthworks associated with golf course development, that exceed 1,000m³ in volume and/or 2,500m² of exposed topsoil at any time.

...

12.2.3.4 *Discretionary Activities*

...

vii Earthworks (Jacks Point Zone)

In the Jacks Point Zone, earthworks which are not associated with a subdivision, the construction, addition or alteration of any building, or golf course development, and do not comply with the site and zone standards for earthworks in the Low Density Residential Zone (as amended from time to time), with the exercise of Council's discretion being limited to:

- The protection of amenity values;
- The protection of adjoining sites;
- Any other necessary environmental protection measures; and
- The potential impacts on sites of cultural and archaeological heritage value.

viii Golf Course Development (Jacks Point Zone)

With the exception of one 18-hole golf course in accordance with Zone Standard 12.2.5.2 (d), any golf course development, with the exercise of Council's discretion being limited to:

- The community's desire for an additional golf course; and
- Whether the proposed golf course will assist in providing for the economic, social and cultural wellbeing of the community.

12.2.5.1 Site Standards

i Structure Plan

The siting of buildings and activities within the Resort Zones must be in conformity with the Activity Areas of the relevant structure plans as set out below and in Figure 1 to this Rule, except for accessory, utility, and service buildings less than 40m² floor area in the Millbrook and Waterfall Park Resort Zones.

...

iii Earthworks

The following limitations apply to all earthworks (as defined within this Plan) within the Jacks Point Zone, except for earthworks associated with:

- A subdivision;
- The construction, addition or alteration of any building; and
- Golf course development.

(1) Volume of Earthworks

- (a) The total volume of earthworks does not exceed 100m³ per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m² in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).

(2) Height of cut and fill and slope

- (a) 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). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height of any fill shall not exceed 2 metres.

(3) Environmental Protection Measures

- (a) Measures to minimise sediment contamination of any Water body.
- (b) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (c) No vegetation, soil, earth, rock or any other debris shall be allowed to enter or shall be positioned where it may dam or divert any river or stream or adversely affect instream habitats.

(4) Protection of Archaeological sites and sites of cultural heritage

- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
- (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgement Areas.

...

12.5.2 Assessment Matters

...

xiii Earthworks – Controlled Activity (Jacks Point Zone)

- (a) The extent to which sediment / erosion control techniques will mitigate effects upon stormwater and overland flows.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) The time period within which the earthworks will be completed.
- (d) The slope of the site.
- (e) The location of the earthworks.
- (f) The extent to which the earthworks and methods take into account the sensitivity of the landscape.
- (g) The proposed rehabilitation of the site.
- (h) The extent to which the natural ground levels will be altered.
- (i) The purpose of the earthworks.
- (j) Whether the proposed earthworks represent the best available alternative.
- (k) The extent to which the earthworks are necessary to give effect to the intent of the Zone.

xiv Earthworks – Discretionary Activity

...

xv Golf Course Development – Discretionary Activity (Jacks Point Zone)

- (a) Whether the proposed golf course assists in achieving the community's aspirations for the Jacks Point Zone;
- (b) The potential for the proposed golf course to compromise other recreational and community activities within the Jacks Point Zone; and
- (c) Whether an additional golf course is likely to assist in providing for the economic, social and cultural wellbeing of the wider community.”

...

18.2 Signs - Rules

18.2.1 Activities

Any Activity which complies with all the relevant zone standards and is not listed as a **Controlled**, Non-Complying or Prohibited Activity, shall be a Permitted Activity.

18.2.2 Controlled Activities

The following shall be **Controlled Activities**:

(a) All signs within the Jacks Point Zone, with the exercise of Council's control limited to:

- Colour;
- Design;
- Consistency with any relevant Council approved development controls and design guidelines; and
- Consistency with public sign policy and controls throughout the District.

18.2.3 Non-Complying Activities

...

18.3 Assessment Matters

18.3.1 General

- i The Assessment Matters are other methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- ii In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out below.
- iii In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).
- iv In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

18.3.2 Assessment Matters

In considering whether or not to grant consent or impose conditions on a resource consent, the Council shall have regard to, but not be limited by, the following assessment matters:

i Controlled Activity – Signs within the Jacks Point Zone

Conditions may be imposed to ensure:

- (a) The colour of the sign is sympathetic to the surrounding landscape;
- (b) The design of the sign, including lighting, is consistent with and sympathetic to the surrounding built environment;
- (c) The design of the sign is consistent with any relevant Council approved development controls and design guidelines.

- (d) The design of the sign is consistent with public sign policy and controls throughout the District.

Those parts of the submissions by Naturally Best New Zealand Limited and Shotover Park Limited which are accepted relate to the Variation as notified allowing for too many activities to occur as permitted activities. Those parts of the submissions which are not accepted relate to the rejection of the Variation in its entirety.

Reasons for Decision

1. Subject to the amendments in this decision, the Jacks Point Zone provisions and Structure Plan represent sound resource management planning in accordance with the purpose and principles of the RMA.
2. It is appropriate that the Jacks Point Zone be subject to earthworks provisions to ensure that the potential adverse effects listed in the above discussion do not eventuate.
3. It is considered that buildings with a floor area of 40m² (and potentially to a height of 4m) have the potential to cause adverse effects on the environment, particularly visual amenity, and accordingly, such buildings should be assessed in the same manner as any other building within the Jacks Point Zone.
4. It is considered appropriate to seek input from the community in regard to the development of a second golf course at Jacks Point, to ensure that such land use is appropriate in terms of the community's aspirations for the area.

6.2.22 Submissions – Definition of 'Recreation'

Naturally Best New Zealand Limited [16/35/11] and **Shotover Park Limited** [16/41/11] submit that the definition of the term 'recreation' in the proposed Variation is far too broad in scope. The submitters seek that Variation 16 be rejected.

6.2.23 Consideration

Within the District Plan the definition of 'recreation' is:

"...activities which give personal enjoyment, satisfaction and a sense of well being."

While it is considered that the definition of recreation is broad, it is not considered necessary to amend it. The RMA seeks to provide for activities such as recreation. This is stated in Part 5:

"...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health..."

The Jacks Point Zone achieves the purpose of the RMA by providing facilities for recreational activities within the Village and the Golf Course and Open Space Activity Areas as permitted activities (albeit that all buildings are controlled). The provision of facilities for recreational activities in other areas of the Zone is deemed to be discretionary. While the effects of permitted recreation activities are confined to two Activity Areas within the Zone (where the potential effects will be minor), in all other areas an assessment of effects will be undertaken to determine whether the proposed activity is appropriate.

It is noted that the provision of recreation activities is in accordance with the objectives and purpose of the Zone.

With regard to the above discussion it is considered unnecessary to amend the definition of 'recreation', as the provisions of the District Plan will ensure that the effects of recreation activities are no more than minor.

6.2.24 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/11] and **Shotover Park Limited** [16/41/11] are **rejected**.

Reasons for Decision

1. It is unnecessary to amend the definition of 'recreation' as the provisions of the District Plan will ensure that the effects of recreation activities are no more than minor.

6.2.25 Submissions – Building Setbacks

Naturally Best New Zealand Limited [16/35/13] and **Shotover Park Limited** [16/41/13] submit that the proposed Variation lacks appropriate building and structure separation. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/13] [322/16/41/13] oppose the submissions on the basis that the various rules and performance standards detailed in the proposed Variation are appropriate.

6.2.26 Consideration

As notified, the Jacks Point Zone requires buildings to be setback 20m from any Zone boundary. No setbacks are required from the internal boundaries of adjoining properties or roads within the Zone.

It is considered that the concern raised regarding the lack of building and structure separation is valid, as the effects of insufficient setbacks and separation can result in (inter alia):

- Adverse effects on adjoining landowners and users (such as excessive noise);
- Loss of sunlight and excessive shading;
- Loss of privacy; and
- Loss of visual amenity.

The Jacks Point Zone anticipates a range of activities, including mixed density residential development. It is inappropriate to mandate a standard setback for buildings from property boundaries, as such an approach is likely to limit development potential and density options. Notwithstanding this, it is considered appropriate for Council to retain limited control over the location of buildings to avoid those issues (and others) raised above. Such control shall be achieved by two mechanisms:

1. The addition of 'location' to the matters to be considered when considering any application for a building in the Jacks Point Zone.
2. The requirement to submit an Outline Development Plan prior to any development occurring in any Residential or Village Activity Area. Within that Plan, proposed setbacks from roads and boundaries and/or building platforms must be identified. The necessity and requirements of the Outline Development Plan are discussed in detail in section 6.3.2 of this decision.

To assist in determining whether a proposed building is located in an appropriate position, it is considered appropriate that the following assessment matters be considered at the time of resource consent application for buildings in the Jacks Point Zone:

- (i) The effect of building setbacks on adjoining properties, in terms of:
 - Dominance of buildings;
 - Loss of privacy;
 - Access to sunlight and daylight; and
 - access to views;

- (ii) The extent to which the proposed building has been considered in terms of the surrounding built and natural environment, and the extent to which it complements that environment; and
- (iii) The extent to which the location of the proposed building is necessary to achieve the desired density of the area in which it is located.

With regard to the provisions of the Jacks Point Zone and the above discussion, it is considered that:

- The Jacks Point Structure Plan and Proposed District Plan provisions will assist in ensuring that there are no adverse effects associated with inappropriate setback distances between buildings and structures;
- The requirement for master planning (ie through the requirement of an Outline Development Plan), in conjunction with other District Plan provisions, will ensure that the potential adverse effects associated with setback distance between buildings do not occur;
- Activity Areas within the Jacks Point Zone assist in ensuring that activities do not conflict with one another;
- The absence of standard building separation requirements will allow for creative and interesting architecture within the Zone; and
- The absence of standard building separation requirements will assist in establishing low impact residential clusters (with a range of densities) within appropriate areas.

Furthermore, it is considered appropriate to provide for buildings in close proximity and/or adjoining one another, as it will assist in achieving the District Plan's objectives and policies, particularly as they relate to the retention of open space, and landscape and visual amenity values.

6.2.27 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/13] and **Shotover Park Limited** [16/41/13] are **accepted in part** and that the further submissions by **Jacks Point Limited** [322/16/35/13] [322/16/41/13] are **rejected**, and the following amendments are made to Variation 16:

"12.2.3.2 Controlled Activities

...

viii Buildings

...

- (c) *In the Jacks Point Zone buildings which comply with Figure 1 Structure Plan – Jacks Point Zone with the exercise of the Council's control being limited to:*
 - *the external appearance of buildings with respect to the effect on visual values of the area and coherence with surrounding buildings;*
 - and*
 - *infrastructure and servicing; and*
 - *associated earthworks and landscaping; and*
 - *access; and*
 - *location.*

...

12.5.2 Assessment Matters

...

(ii) Controlled and Discretionary Activities – Buildings – Resort Zones

...

(g) For all buildings within the Jacks Point Zone:

(i) The effect of building setbacks on adjoining properties, in terms of:

- Dominance of buildings;
- Loss of privacy;
- Access to sunlight and daylight; and
- access to views;

(ii) The extent to which the proposed building has been considered in terms of the surrounding built and natural environment, and the extent to which it complements that environment; and

(iii) The extent to which the location of the proposed building is necessary to achieve the desired density of the area in which it is located.”

Those parts of the submissions by Naturally Best New Zealand Limited and Shotover Park Limited which are accepted relate the need for further control over the location of buildings and structures within the Jacks Point Zone, so that potential adverse effects may be avoided, remedied or mitigated. Those parts of the submissions which are not accepted relate to the rejection of the Variation in its entirety.

Reasons for Decision

1. With the addition of control over 'location' of buildings, and the requirement of an Outline Development Plan, the Jacks Point Zone provisions will ensure that the potential adverse effects of buildings in close proximity to one another will be avoided, remedied or mitigated and, in addition, will assist with ensuring positive outcomes associated with development.

6.2.28 Submissions – Air Effects relating to Proposed Development

Naturally Best New Zealand Limited [16/35/17] and **Shotover Park Limited** [16/41/17] submit that the Section 32 assessment's discussion of the Proposed Regional Plan: Air in section 2.8 only deals with the air effects of future development on Queenstown. The assessment is inadequate in not considering the effects on areas other than Queenstown. The submitters consider that development of the land in accordance with the proposed Variation and Structure Plan will have considerable adverse effects on areas downwind arising from dust emissions. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/17] [322/16/41/17] oppose the submissions on the basis that the likelihood of down wind dust emission effects is insignificant and/or insufficient to justify the Variation not being confirmed.

6.2.29 Consideration

Naturally Best New Zealand Limited and Shotover Park Limited submit that relevant section 32 assessment does not have regard to the potential effects of dust emissions on areas other than Queenstown. The submitters state that dust emissions from development will have effects on areas downwind.

Airborne dust can arise from a wide variety of anthropogenic sources. The following table identifies some of those sources and the extent to which those sources will be managed through the District Plan provisions:

Table 5 – Management of Dust Emissions in the Jacks Point Zone

Source of Dust Emissions	District Plan Management
Wind-blown dust from exposed surfaces such as bare land and construction sites.	Subject to the decisions in this report, any substantial earthworks are subject to resource consent at which time appropriate controls on dust emissions will be enforced.
Wind-blown dust from stockpiles of dusty materials such as sawdust, coal, etc.	No goods associated with manufacturing and industrial activities are permitted to be stored outdoors.
Dust caused by movement of vehicles on unformed roads.	All roads will be formed.
Mines and quarries.	Quarrying requires resource consent at which time appropriate controls on dust emissions will be enforced.
Road works and road construction.	Any significant earth movements will require resource consent. Any roading associated with subdivision will require resource consent, at which time appropriate conditions may be attached to the consent.
Housing development.	Development of housing will be controlled, including earthworks and associated management plans.
Municipal landfills and other waste handling facilities.	No waste management facilities will be located on site.
Industrial operations such as grain drying and storage, timber mills, etc.	All industrial operations are a non-complying activity within the Zone.

With regard to the above discussion, it is considered that the potential effects of dust emissions resulting from development within the Jacks Point Zone will be avoided, remedied or mitigated through the relevant Zone provisions, as notified and amended within this report.

6.2.30 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/17] and **Shotover Park Limited** [16/41/17] are **rejected**, and the further submissions by **Jacks Point Limited** [322/16/35/17] [322/16/41/17] are **accepted**.

Reasons for Decision

1. The potential effects of dust emissions resulting from development within the Jacks Point Zone will be avoided, remedied or mitigated through the relevant Zone provisions, as notified and recommended within this report.

6.2.31 Submissions – Water Quality

Naturally Best New Zealand Limited [16/35/18] and **Shotover Park Limited** [16/41/18] submit that in terms of the Proposed Regional Plan: Water, the submitters dispute the conclusion in section 2.9.3 of the Section 32 assessment that "The quality of the water resource will be protected". In that regard, the submitters record that the water quality in the district has frequently been identified as being low. Development of the land in accordance with the proposed Variation and Structure Plan will compromise the level of water quality even further. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/18] [322/16/41/18] oppose the submissions on the basis that development in accordance with the proposed Variation will not affect water quality.

6.2.32 Consideration

With regard to the above submissions, attention drawn to section 6.2.8 of this decision, which relates to consistency with the Proposed Regional Plan: Water.

It is considered that the provisions of the Jacks Point Zone will assist in achieving the objectives of Part 5 the Proposed Regional Plan: Water, particularly as they relate to:

- The protection and enhancement of the natural character of Lake Wakatipu's margins;
- Amenity values associated with the lake's margins;
- The enhancement of public access to the lake margins; and
- The protection of heritage and cultural values associated with Lake Wakatipu.

The proposed development at Jacks Point Zone will not have adverse effects on Lake Wakatipu's water quality. No residential or similar development is proposed directly adjacent to the lake's margins, and it is proposed that all disposal of effluent will be to ground, as opposed to water (as recommended within the relevant infrastructure reports for Jacks Point Zone).

Site and soil analysis undertaken over the Coneburn Downs area show that it is possible to discharge waste water to land with no more than minor effect on the environment, including any groundwater aquifers that may be identified. It is considered that those activities permitted within the Zone will not effect groundwater supply and any required water will be sourced from Lake Wakatipu. In this regard, development proposed at the Jacks Point Zone is consistent with the objectives of the Proposed Regional Plan: Water as they relate to groundwater.

Subject to the amendments within this decision, it is considered that the Jacks Point Zone provisions are consistent with the above objective, in that they will protect the natural and cultural values of wetlands within the Zone.

Attention is also drawn to the 'Stakeholder's Deed', which seeks to ensure that all golf construction and maintenance shall be carried out to a 'best practice' standard in terms of minimising the application of chemical fertilisers, pesticides and herbicides, and maximising natural and/or organic procedures.

6.2.33 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/18] and **Shotover Park Limited** [16/41/18] are **rejected** and the further submissions by **Jacks Point Limited** [322/16/35/18] [322/16/41/18] are **accepted**.

Reasons for Decision

1. Proposed development in accordance with the Jacks Point Zone provisions (and the Stakeholder's Deed) will not have an adverse effect on the District's water quality.

6.2.34 Submissions – Effects on Surrounding Areas of Development

Naturally Best New Zealand Limited [16/35/19] and **Shotover Park Limited** [16/41/19] submit that they are concerned that the proposed Variation will have adverse effects on the following existing areas of development: Downtown Queenstown, Arrowtown, Kingston, Queenstown Airport, Remarkables Park, Millbrook and the areas of land subject to the proposed Variation No 13, Creation of Woodbury Park Special Zone. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/19] [322/16/41/19] oppose the submissions on the basis that the proposed Variation will not have adverse effects on other existing areas of development, nor on the sustainable management of existing development in other areas.

6.2.35 Consideration

As a precursor to discussion, it is important to note that the RMA does not authorise regard to be given to trade competition when preparing a plan change (refer section 74(3) of the RMA).

Notwithstanding this, trade competitors may not be precluded from raising issues of genuine public interest on environmental concerns¹.

It is considered that the submissions by Naturally Best New Zealand Limited and Shotover Park Limited are incorrect in stating that Jacks Point Zone will have an adverse effect on existing areas of development. The following table sights potential effects that greenfield development can have on existing development, and the reasons why Jacks Point Zone is unlikely to result in those effects:

Table 6 – Potential effects of Greenfield Development

Potential effects of Greenfield Development on Existing Development	Source of Issue Avoidance/Mitigation
Reduction in growth, including visitors	Jacks Point is likely to attract visitors to the District that did not previously consider the destination.
Effects on the public transport network	Jacks Point will, overtime, will increase the extent of the current public transport network.
Loss of employment	The increases in the district's population will ensure that there is ongoing demand for skilled and unskilled workers.
Loss of sense of community	Downtown Queenstown will remain the focal point of the wider community and visitor interests. Frankton, Fernhill and other suburbs will remain focal points for families and other residents.
Decentralisation	As population increases, so do needs. These will be met by a diverse range of needs throughout the community. However, it is considered that downtown Queenstown will remain the focal hub for business.
Rising cost of infrastructure	On site infrastructure is to be provided for by the developer (refer Stakeholders Deed). The costs of offsite infrastructure will result in benefits to the wider community. The Panel discussed the potential impact of development at Jacks Point on the Kawarau Falls Bridge and decided that the issue was one for consideration by Transit NZ and the full Council when the time was appropriate.

Positive effects of development at Jacks Point that will have indirect positive effects on other areas of the District include (inter alia):

- Increased visitor numbers to Queenstown and the District;
- Broader distribution of the public transport network;
- Broader focus on tourism (ie new markets);
- Further visitors activities;
- Increased housing stock;
- Increased job opportunities; and
- Upturns in the economy.

Population growth for the Wakatipu basin is estimated to increase from approximately 14.397 in 2001² to 30,000³ in 2021. Such a population growth translates into demand for more houses, apartments, schools, shopping and business services, and visitor accommodation. It is considered that the Jacks Point Zone will fulfil a small part of these needs. Areas such as downtown Queenstown, Arrowtown, Kingston, Queenstown Airport, Remarkables Park, Millbrook and Woodbury Park will also provide for these needs by expanding and diversifying. The Coneburn area has been recognised as an appropriate and necessary extension of the Queenstown urban area to assist in facilitating the growth that has been projected for the Wakatipu basin³. In this regard it is considered that the proposed development at Jacks Point

¹ Golden Bay Marine Farmers v Tasman D.C. W042/01, 6 NZED 399.

² Wanaka and Queenstown Lakes District - Vital Statistics (2001)

³ Tomorrow's Queenstown

will complement the long term sustainable management of other urban areas in and around the basin.

6.2.36 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/19] and **Shotover Park Limited** [16/41/19] are **rejected**, and that the further submissions by **Jacks Point Limited** [322/16/35/19] [322/16/41/19] are **accepted**.

Reasons for Decision

1. Development at Jacks Point will complement the long term sustainable management of the Wakatipu basin and urban areas in and around the basin.

6.2.37 Submissions – Sustainability of Existing Commercial Enterprises

Naturally Best New Zealand Limited [16/35/20] and **Shotover Park Limited** [16/41/20] submit that there has been no or no adequate consideration and assessment of the wider economic effects of the proposed Variation on existing commercial centres and commercial recreation, when determining where, and in what respects, and to what extent, new development opportunities should be provided for in the Proposed Plan. It is important that the Council consider the sustainability of that which has already been established and is zoned for establishment. The proposed Variation should be rejected if it cannot be shown that those areas will not be so affected. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/20] [322/16/41/20] oppose the submissions on the basis that the proposed Variation will not have adverse effects on other existing areas of development, nor on the sustainable management of existing development in other areas.

6.2.38 Consideration

As a precursor to discussion, it is important to note that the RMA does not authorise regard to be given to trade competition when preparing a plan change (refer section 74(3) of the RMA). Notwithstanding this, trade competitors may not be precluded from raising issues of genuine public interest on environmental concerns⁴.

The efficiency of existing commercial activities is not a matter for the Council to decide. The Council's role is to assess the effects of activities within the Jacks Point Zone. Essentially, the Council's role under section 5 of the RMA is to 'enable' people to provide for their wellbeing (ie provide the condition for people to be able to provide for their own wellbeing).

Notwithstanding the above, and with regard to the above submissions, it is considered that existing commercial areas within the District will not be adversely affected by development at Jacks Point Zone.

With regard to an assessment of economic effects on existing commercial centres and commercial recreation, the following comments are drawn from the Economic Analysis prepared by Philip Donnelly and Associates Limited, as part of the Section 32 analysis for the Variation:

“The construction of the resort and its associated buildings and the accommodation of a large number of additional short and long stay visitors/residents will increase the district's households, employment and regional gross domestic product. Additional spending by visitors is anticipated... By increasing the type and range of accommodation and facilities the resort will help to increase the total number of visitors/residents and the average length of stay. The variation should enable people and communities to provide for their social and economic wellbeing.”

⁴ Golden Bay Marine Farmers v Tasman D.C. W042/01, 6 NZED 399.

It is considered that development at Jacks Point Zone will have a positive effect on the District, particularly as it is likely to attract more visitors to the District and provide more facilities and activities for the community. Those additional visitors to the District will not only visit the Jacks Point Zone but also spend time and money undertaking other activities throughout the District. Accordingly, for every visitor to Jacks Point Zone, there is a flow on effect to other businesses within the District.

6.2.39 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/20] and **Shotover Park Limited** [16/41/20] are **rejected** and the further submissions by **Jacks Point Limited** [322/16/35/20] [322/16/41/20] are **accepted**.

Reasons for Decision

1. The efficiency of existing commercial activities is not a matter for the Council to decide.
2. By increasing the type and range of accommodation and facilities Jacks Point Zone will help to increase the total number of visitors and residents to the District and the average length of stay. The flow on effect increased visitor and resident numbers will benefit all businesses within the District.

6.2.40 Submissions – Building Coverage

Naturally Best New Zealand Limited [16/35/21] and **Shotover Park Limited** [16/41/21] submit that the proposed variation provides for 5% building coverage in the zone. However, the submitters disagree that 5% represents a low proportion of building coverage. When the proposed percentage of 5% is considered in terms of the total land area of 420 hectares, it is essentially proposed that 21 hectares of the 420 hectares of land be covered with buildings. The submitters seek that Variation 16 be rejected.

6.2.41 Consideration

The Panel acknowledges that a maximum 5% building coverage will not result in the Jacks Point Zone appearing to be 95% open space. Rather the Panel is of the understanding that development at Jacks Point is likely to result in 10% - 15% of the Zone appearing to be domesticated (ie in built form and/or with distinct human modification), as opposed to 'natural'. Notwithstanding this, the Panel realises the maximum 5% building coverage is one of many mechanisms in the Proposed District Plan that will be used to achieve sound resource management. It is the combination of the various mechanisms that will ensure that the development within the Zone does not result in adverse effects which are more than minor.

Notwithstanding the above consideration, when considering the proposed development at Jacks Point (eg community development, consisting of residential, lodge, commercial and recreation facilities), 5% building coverage is required to provide for any more than 500 buildings at a high density (i.e. 400m² per allotment). In this regard, the maximum 5% building coverage provides for efficient use of the land resource while retaining an extensive area of open space.

With regard to the above discussion, it is considered that 5% building coverage is appropriate for the subject site, particularly given the extent of development anticipated in conjunction with the purpose of the Zone, and the other mechanisms for controlling development that are available to the Council.

6.2.42 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/21] and **Shotover Park Limited** [16/41/21] are **rejected**.

Reasons for Decision

1. 5% building coverage is an appropriate area for the subject site, particularly given the extent of development anticipated in conjunction with the purpose of the Zone.
2. Only those areas appropriate for development will be developed, and all others will remain as open space.

6.2.43 Submissions – Consultation

Naturally Best New Zealand Limited [16/35/23] and **Shotover Park Limited** [16/41/23] submit that consultation in relation to the proposed Variation has been inadequate. The submitters seek that Variation 16 be rejected.

6.2.44 Consideration

Prior to notification of Variation 16 consultation was carried out in accordance with the First Schedule of the RMA and included the following parties:

- The Minister for the Environment;
- The Minister of Conservation;
- The Otago Regional Council;
- Te Runanga o Ngai Tahu; and
- Kai Tahu ki Otago

Consultation was also carried out with the following parties:

- Otago Fish and Game Council;
- Minister of Tourism;
- Wakatipu Environmental Society;
- Neighbouring landowners; and
- Members of the public (via a publicly notified meeting).

In addition to the above consultation, the First Schedule of the RMA provides opportunity for any person to comment on a proposed Variation through the submission process. During deliberations, the Panel discussed at length the submission process as dictated by the RMA and the extent to which submitters can seek changes to a Variation as notified. The Panel was conscious of the submissions made by Henley Downs Holdings Limited and D and J Jardine/Boock to extend the Zone boundaries. While the Panel acknowledged that the extension of the area notified in the Variation as sought by Henley Downs Holdings Limited and Jardine/Boock might not have been anticipated by everyone, it was considered that submission process allowed adequate opportunity for any person to comment on the proposed changes, and that the submissions should be considered on their merits, taking into account the need to approach development in a comprehensive manner. The Panel also noted the extensive consultation (eg Tomorrow's Queenstown (2002), section 32 analysis for the 1995 Proposed District Plan) that has been undertaken previously in regard to future urban development in the Wakatipu basin, and this also included the Coneburn Downs area generally.

With regard to the above discussion, it is considered that the Council has fulfilled its statutory obligations in regard to consultation, and in addition, has provided additional opportunity for the public to comment on the Variation prior to notification.

6.2.45 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/23] and **Shotover Park Limited** [16/41/23] are **rejected**.

Reasons for Decision

1. The Council has fulfilled its statutory obligations in regard to consultation, and in addition, has provided additional opportunity for the public to comment on the Variation prior to notification.

6.2.46 Submissions – Glacial Escarpment

Naturally Best New Zealand Limited [16/35/25] and **Shotover Park Limited** [16/41/25] submit that the development of the land subject to the variation will harm and potentially lead to the destruction of the glacial escarpment, an outstanding and highly visible feature. In all the circumstances, the submitters consider that the land should be left as it presently exists. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/25] [322/16/41/25] oppose the submissions on the basis that development of the land will not lead to the destruction of the glacial escarpment.

6.2.47 Consideration

The glacial escarpment referred to the above submissions forms part of the ONL – WB on the tablelands within the Jacks Point Zone. This area is discussed in section 6.2.5 of this decision. It is considered that, subject to the amendments within this decision, development at Jacks Point Zone will not lead to the destruction of the glacial escarpment.

6.2.48 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/25] and **Shotover Park Limited** [16/41/25] are **rejected** and the further submissions by **Jacks Point Limited** [322/16/35/25] [322/16/41/25] are **accepted**.

Reasons for Decision

1. Subject to the amendments within this decision, development at Jacks Point Zone will not lead to the destruction of the glacial escarpment.

6.2.49 Submissions – Infrastructure

Naturally Best New Zealand Limited [16/35/26] and **Shotover Park Limited** [16/41/26] submit that the existing infrastructure is inadequate to cope with the proposed development of the land. The submitters seek that Variation 16 be rejected.

6.2.50 Consideration

With regard to infrastructure, the following reports are relevant:

Report Title	Author	Date of Release
Coneburn Area Resource Study	Darby and Partners	October 2002
Kai Tahu ki Otago Ltd Report for Jacks Point Golf Resort	Edward Ellison	August 2001
Traffic Report for Jacks Point Limited	Traffic Design Group	August 2001
Jacks Point Development Infrastructural Services	Construction Management Services	September 2001
Soil Survey and Site Suitability for Discharge of Domestic Wastewater at Jacks Point	Glasson Potts Fowler	January 2003

The above reports contain comment on the various infrastructure requirements that will be necessary for the proposed development at Jacks Point, including:

- Rooding;
- Wastewater;
- Water supply;
- Stormwater;
- Power supply; and
- Telecommunications

With regard to roading, primary access will be from a Council/Transit New Zealand approved access from State Highway 6 (refer section 6.11 of this decision). All roading within the Zone will be privately constructed, owned and operated but will be subject to appropriate easements in gross favour of the Council or the public, thus ensuring permanent public access from State Highway 6 through the Zone to Lake Wakatipu and other areas open to the public. It is considered that the private ownership of roads will allow for more appropriate design response to the landscape.

It is proposed that wastewater will be disposed to land. While it is possible to consider disposal to water, or connection to the Queenstown-Frankton Sewerage Treatment System, disposal to land is an achievable and environmentally sound method. Such a method is recommended by Glasson Potts Fowler Limited in their report regarding site suitability for discharge of domestic wastewater at Jacks Point. Professor Ian Gunn, an Environmental Engineering Consultant for Auckland UniServices Limited, reviewed and supports the report by Glasson Potts Fowler.

Water supply, which is likely to be taken primarily from Lake Wakatipu (subject to consent by ORC), is an abundant resource and of very high quality. There are no concerns in this regard.

There are a series of streams and watercourses running through the subject land. Subject to consent by the Otago Regional Council, these waterways may be used for the discharge of stormwater. It is considered that the additional run-off associated with development of the site will be minimal.

With regard to power supply, Delta Utility Services have advised that there is sufficient capacity in the grid exit point (operated by Transpower) to cope with an expected load increase of up to 1000 lots in the Coneburn area. However, feeder lines into the area will be require up grading at some time during development.

Telecom New Zealand Limited advise that there is an existing fibre optic cable that extends to the Lakeside Estates Development and that this has very high capacity to serve future development. Telecom does not expect that there would be any restriction on the expansion of its system to serve development in the Jacks Point Area.

Within the Stakeholders Deed, Jacks Point Limited, Henley Downs Holdings Limited and Jardine/Boock have given an undertaking to, as far as is feasible and is reasonably and practically possible, supply and contain all infrastructure within the Zone and develop and maintain infrastructure at the cost of landowners within the Zone, without any Council involvement.

With regard to the above discussion, it is considered that existing and future infrastructure will be able to cope with the proposed development of the Jacks Point land.

6.2.51 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/26] and **Shotover Park Limited** [16/41/26] are **rejected**.

Reasons for Decision

1. Existing and future infrastructure will be able to cope with the proposed development of the Jacks Point land.

6.2.52 Submissions – Cumulative Effect of the Proposed Development (including potential on and off site adverse effects)

Naturally Best New Zealand Limited [16/35/27] and **Shotover Park Limited** [16/41/27] submit that Section 3 of the Act required the Council to consider "Any cumulative effect which arises over time or in combination with other effects". The submitters consider that the cumulative adverse effects of the proposed development make it appropriate to reject the proposed variation in its entirety. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/27] [322/16/41/27] oppose the submissions on the basis that granting the relief requested in the submissions will not achieve appropriate outcomes under the Resource Management Act 1991, would not be appropriate in terms of avoiding, remedying or mitigating adverse effects on the environment, would not constitute a wise and efficient use of natural and physical resources, and would not accord with the purpose and principles of the Resource Management Act.

Naturally Best New Zealand Limited and Shotover Park are understood to be a companies associated with Remarkables Park Limited. If that is the case it is likely that the submissions are primarily motivated by commercial trade competition concerns rather than environmental or resource management concerns, and as such should be accorded little weight.

6.2.53 Consideration

With regard to those submissions regarding cumulative effect, it is considered that the 'cumulative effect which arises over time or in combination with other effects' will be negligible, for the following reasons:

- Development proposed at Jacks Point is consistent with the purpose of the Zone;
- Subject to the amendments in this decision, the proposed development at Jacks Point will not have adverse effects on the environment that are more than minor; and
- Subject to the amendments in this decision, the proposed development at Jacks Point is consistent with the District Wide objectives and policies, and the objectives and policies of the Zone.

The Panel gave lengthy consideration to the issue of cumulative effect, particularly regarding development in sensitive areas such as the tablelands, Jacks Point, and the hummocks adjacent to State Highway 6. However, as alluded to above, subject to the amendments within this decision, it is considered that the benefits of the Zone outweigh the costs and the cumulative effect will be negligible.

It is considered that the development proposed at Jacks Point Zone is in accordance with the purpose and principles of the RMA as it will provide an efficient use of the land resource for present and future residents and visitors to the District.

6.2.54 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/27] and **Shotover Park Limited** [16/41/27] are **rejected**, and the further submissions by **Jacks Point Limited** [322/16/35/27] [322/16/41/27] are **accepted**.

Reasons for Decision

1. The 'cumulative effect which arises over time or in combination with other effects' will be negligible, for those reasons discussed above.
2. The development proposed at Jacks Point Zone is in accordance with the purpose and principles of the RMA.

6.3 Intensity and Density of Proposed Development

The following submissions and further submissions relate to:

- The intensity of development within the Jacks Point Zone (i.e. the concentration and layout of proposed development);
- The density of development within the Jacks Point Zone (i.e. the quantity of residential units within the proposed development); and
- The use of the Jacks Point Structure Plan as a planning tool.

Each of the above issues is inter-related (i.e. each one has a potential effect on the other), and as such, the Panel has considered them together.

6.3.1 Submissions

Steve Couper [16/10/1] opposes the Variation based on the proposed residential density. The submitter states that the proposal will:

- Greatly detract from the overall look of the area;
- Have more than a minimal environmental impact on the whole Jacks Point area, specifically in regard to visual amenity, environmental qualities, noise, waste, and surrounding properties;
- Place additional pressure on the existing water/sewage/waste infrastructure in the Wakatipu basin; and
- Adversely affect filming and the associated spin offs that the community enjoys from such activities.

The submitter seeks:

- That the Council not allow such a dense subdivision of Jacks Point;
- Preservation of wetland habitats and all other habitats for birds and animals; and
- Retention of existing native vegetation.

Steve Couper [321/16/10/1] supports his original submission, for the reason that the proposed zone is too dense and the area is not suitable for dense residential housing.

Jacks Point Limited [322/16/10/1] opposes the submission of Steve Couper for the following reasons:

- The proposed density is not inappropriate, especially taking into account that 95% of the land is to be retained as open space;
- The visibility and viewer sensitivity characteristics of the land within the Zone are such that the level of development anticipated by the Zone will not detract from visual and landscape values;
- Reduction in density would not constitute an efficient use of physical and natural resources;
- The Zone contains appropriate provisions for the retention and enhancement of native vegetation; and
- Granting the relief sought in the submission would not achieve appropriate outcomes under the Act, would not be appropriate in terms of avoiding, remedying or mitigating adverse effects on the environment, would not consider a wise and efficient use of natural and physical resources, and would not accord with the purpose and principles of the Act.

John Edmonds, on behalf of Jacks Point Limited, made the following comments on wetlands, in reply to the Planner's Report:

- Jacks Point agrees with the Planner that protection and enhancement of wetland areas should occur, and as such, it is appropriate to identify such areas on the relevant structure plan;
- Protection and enhancement of the wetland areas will occur as part of the development of the golf course;
- The development of the golf course will occur within 20m of wetland areas in some cases;

- Development within 20m of a wetland is better dealt with as a controlled activity, as a non-complying activity will over complicate an issue that will be addressed between the applicant and the Council; and
- A setback of 7m for development adjacent to wetlands is the national standard.

Henley Downs Holdings Limited [343/16/10/1] opposes the submission of Steve Couper for the following reasons:

- The number and density of residential and other buildings to be provided for in the Variation is acceptable and sustainable and represents efficient use of the land resource while avoiding, remedying and mitigating adverse effects on the environment;
- To limit the number of homes to be built to 40 would be an inefficient use of the land resource;
- The proposed development plans, rules, policies and objectives promoted in the Variation provide sufficient protection for and identification of wetlands, habitats and native vegetation; and
- The Variation is consistent with the purpose and principles of the Act.

Naturally Best New Zealand Limited [16/35/7] and **Shotover Park Limited** [16/41/7] submit that the proposed Variation will allow an inappropriate level of development intensity and density on the land. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/7] [322/16/41/7] oppose the submissions on the basis that the proposed Variation will not allow an inappropriate level of development intensity and density on the land.

Naturally Best New Zealand Limited [16/35/8] and **Shotover Park Limited** [16/41/8] submit that the Structure Plan is too vague and imprecise to be an effective and transparent planning device. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/8] [322/16/41/8] oppose the submissions on the basis that the structure plan is an effective and transparent planning device.

6.3.2 Consideration

Density (ie the quantity of residential units within the proposed development)

Steve Couper, Naturally Best New Zealand Limited and Shotover Park Limited submit that the proposed density at Jacks Point is inappropriate. While it is acknowledged that the density of development is often a key determinant of the extent of adverse effects on the environment, it is considered that development at the proposed density (or at a greater density) is appropriate and consistent with the purpose and principles of the RMA for the following reasons:

- Visual and landscape analysis of the site has identified those parts of the site that are capable of absorbing development with no more than minor effects on the environment, including visual amenity and land and environmental qualities;
- It is appropriate that those Zone areas capable of absorbing development, be developed in a comprehensive manner and to their fullest potential;
- Analysis of the landscape, particularly soils, has shown that wastewater produced in relation to development at the site can be disposed to land with no more than minor effect on the environment;
- With regard to adverse effects associated with noise, the provisions of the District Plan will ensure that excessive noise limits are not exceeded at any point within residential boundaries. In addition, section 16 *Duty to Avoid Unreasonable Noise* of the RMA applies to all activities undertaken within the Zone; and
- It is considered that existing and future infrastructure (water, sewage, waste, electricity, and telecommunications) within the Wakatipu basin will have the capacity to cope with the proposed development at Jacks Point.

With regard to filming activities within the Wakatipu basin, it is acknowledged that Jacks Point is a potential backdrop to scenes that may be filmed from Peninsula Hill and other nearby locations. However, in addition to there being many other suitable locations for filming in the

District, it is considered that the positive effects associated with development at Jacks Point outweigh those positive effects associated with any filming that may occur in the vicinity of the subject site.

With regard to the above discussion, it is considered that the proposed density of development at Jacks Point Zone is not inappropriate and accords with the purpose and principles of the RMA.

Preservation of wetland habitats and all other habitats for birds and animals

Steve Couper submits that wetland habitats and all other habitats for birds and animals should be preserved. Part 4.1.4 of the Proposed District Plan sets out the following relevant objectives and policies:

“Objective 1 – Nature Conservation Values

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

...

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

The protection of outstanding natural features.

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

Policies:

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

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

...

1.7 *To avoid any adverse effects of activities on the natural character of the District's environment and on indigenous ecosystems; by ensuring that opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.*

...

1.13 *To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.*

...

1.16 *To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.”*

It is considered appropriate to provide for the preservation of wetlands in the Jacks Point Zone for the following reasons:

- It is consistent with the District Wide objectives and policies;
- It is consistent with the Otago Regional Policy Statement;

- It will assist in protecting and enhancing amenity values throughout the Zone; and
- It will assist in protecting and enhancing native ecosystems and habitats throughout the Zone and Coneburn Downs area.

With regard to the above discussion, it is considered appropriate that the District Plan identify significant wetland areas, and the provisions of the Plan be amended to ensure that only development (including landscaping and earthworks) which protects and enhances those wetlands may be undertaken within 20m of their outer most boundaries.

The Panel also noted that, pursuant to this decision and other methods (ie the Stakeholders Deed), the following management principles are to be implemented in regard to wetland areas on the tablelands at Jacks Point:

- 10.8 hectares of ecological restoration is required prior to building on the tablelands;
- Grazing rights will be removed from most of the tablelands area;
- Cats will be prohibited on the tablelands and Jacks Point;
- No exotic vegetation is permitted on the tablelands and Jacks Point (ie woody weeds);
- The establishment of pest controls (both animal and plant) on the tablelands and Jacks Point, to protect native flora and fauna; and
- The introduction of Zone policies seeking to provide for local biodiversity through the protection and enhancement of existing ecological values in a holistic manner; reduction in grazing around wetland areas; and the provision of links between grey shrublands, wetlands and the lakeshore escarpment.

Retention of existing native vegetation

Steve Couper seeks that all existing native vegetation within the Zone be retained. Currently the provisions for Jacks Point Zone require any landscaping within the Highway and Lakeshore Landscape Protection Areas to be managed by way of a landscape plan that must be consented to as a controlled activity. It is considered that such a landscape plan would provide the Council with the opportunity to ensure that any significant native plant species within that area are not removed.

Within the valley floor area much of the landscape is modified by human activity, particularly farming. Those areas that contain significant native vegetation are not zoned for development (i.e. they are not contained within residential or village activity areas). It is considered that appropriate conditions at the time of subdivision and land use consent will ensure that the valley floor is appropriately vegetated.

With regard to the above discussion, and consideration to those amendments made in this decision (eg preservation of wetlands, the requirement to plant with native vegetation on the tablelands, ecological restoration), it is considered unnecessary to amend the provisions to require the retention of all existing native vegetation.

Intensity (i.e. the concentration and layout of proposed development) and the Structure Plan as a Planning Tool

For the purposes of this discussion, proposed development within the Jacks Point Zone can be broken up into broad categories – development on the valley floor and development on the tablelands. The issues associated with density and intensity of development on the tablelands are addressed earlier in this decision and the decided approach remains appropriate. As such, no further consideration is given here.

The valley floor is made up of two predominant land forms – the hummocks and the central valley. Much of the valley floor has been identified as having good absorption capability in terms of development. Those areas that are able to absorb development have been designated as Residential and Village Activity Areas, while those areas which do not have good absorption capability remain as open space. In this respect, the Jacks Point Structure Plan is able to provide a simple yet sound resource management tool which ensures that the intensity of development within the Zone does not have adverse effects beyond the Zone boundaries. In addition to responding to visual amenity issues, the Structure Plan also ensures that potentially incompatible activities are separated.

Naturally Best New Zealand Limited and Shotover Park Limited submit that the Jacks Point Structure Plan is too vague and imprecise to be an effective planning tool. Notwithstanding the above discussion, the Council agrees with Naturally Best New Zealand Limited and Shotover Park Limited that the proposed structure plan for Jacks Point Zone is, in some respects, too vague to achieve the sound resource management within the Zone. Even when the Structure Plan is read in conjunction with the provisions of the Zone, there remains a lack of certainty as to the eventual outcome of the development in the Zone, particularly within the Residential and Village Activity Areas, where subdivision and development is, for the most part, a controlled activity.

Neither the proposed structure plan or the provisions of the Jacks Point Zone provide adequate certainty in relation to the following matters:

- The intensity of proposed development throughout the Zone;
- Roading patterns;
- Subdivision layout and allotment sizes;
- Setbacks from roads and site boundaries;
- Pedestrian links; and
- Provision of public spaces.

It is considered that rather than attempting to pre-empt the urban design that is most suitable within the Jacks Point Zone, it is more appropriate to require further master planning of the Zone prior to subdivision and development occurring within the Zone. Such an approach allows the developer to bring forward a proposal that best reflects the market demand and community aspirations at the time. It is not the role of the Council to attempt to design the urban environment at Jacks Point, but rather to put in place mechanisms that ensure that development is carried out in an appropriate manner.

To provide further certainty to the eventual outcome at Jacks Point and address the concerns raised by the submitters that the structure plan is too vague and imprecise, the following amendments to the provisions of the Jacks Point Zone are considered appropriate:

(Important Note – Section 6.9.3 of this decision amends Variation 16 to incorporate land owned by Henley Downs Holdings Limited into the Jacks Point Zone. In making the following decision, the Panel has given full regard to those amendments).

1. The addition of site standards requiring an Outline Development Plan to be submitted to and approved by Council for the Residential and Village Activity Areas on the Jacks Point land, prior to any subdivision or development of those Activity Areas occurring.
2. The addition of site standards requiring an Outline Development Plan to be submitted to and approved by Council for the Residential and Village Activity Areas on the Henley Downs land, prior to any subdivision or development of those Activity Areas occurring.
3. Each Outline Development Plan must include details in regard to:
 - Roading Pattern;
 - Indicative subdivision design and lot sizes;
 - Compliance with the relevant part of the applicable Density Master Plan;
 - Mitigation measures to ensure that no building will be readily visible from State Highway 6;
 - Proposed Setbacks from roads and internal boundaries and/or building platforms;
 - Pedestrian links through the Residential Activity Areas to connect with surrounding or adjoining Golf Course and Open Space Activity Areas and Open Space, Landscaping and Passive Recreation Activity Areas;
 - The identification of areas for visitor parking, having regard to amenity values of the Zone;
 - Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public;
 - The maintenance of view shafts;
 - The relationship and preservation of public use of and access to public open spaces; and

- Design Guidelines for future development
- 4. To provide the Council with an opportunity to assess and apply conditions to the Outline Development Plans, controlled activity rules are to be added to the provisions for the Jacks Point Zone, with the Council's control limited to those matters identified above. Accordingly, assessment matters pertaining to those matters would also be provided within the Zone's provisions.

It is considered that the above approach will provide greater certainty and precision to the development of the Jacks Point Zone and, in addition, will assist in ensuring that the intensity of the development does not result in adverse effects that are more than minor.

6.3.3 Decision

That the submissions by **Steve Couper** [16/10/1], **Naturally Best New Zealand Limited** [16/35/7] [16/35/8] and **Shotover Park Limited** [16/41/7] [16/41/8] are **accepted in part**, the further submissions by **Jacks Point Limited** [322/16/10/1] [322/16/35/7] [322/16/41/7] [322/16/35/8] [322/16/41/8] and **Henley Downs Holdings Limited** [343/16/10/1] are **accepted in part**, and the further submission by **Steve Couper** [321/16/10/1] is **rejected**, and the following amendments are made to the Proposed District Plan and the Jacks Point Structure Plan:

Amendments to the Proposed District Plan:

“12.1.4 Objectives and Policies

...

Policies

...

4.7 To provide for local biodiversity through:

- *the protection and enhancement of existing ecological values, in a holistic manner;*
- *Reduction in grazing around wetland areas; and*
- *The provision of links between grey shrublands, wetlands and the lakeshore escarpment.*

...

12.2.3 Activities

...

12.2.3.2 Controlled Activities

...

xi Outline Development Plan – Residential Activity Areas

In the Jacks Point Zone, the Outline Development Plan of any Residential (R) Activity Area lodged with the Council for approval pursuant to Rule 12.2.5.1(xi), in respect of:

- (a) *Roading pattern.*
- (b) *Indicative subdivision design and lot configuration and allotment sizes.*

- (c) Compliance with the relevant Density Master Plan.
- (d) Mitigation measures to ensure that no building will be readily visible from State Highway 6.
- (e) Mitigation measures to ensure that no building in the central valley will be readily visible from Lake Wakatipu.
- (f) Proposed setbacks from roads and internal boundaries.
- (g) Pedestrian links through the (R) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas.
- (h) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
- (i) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
- (j) The maintenance of view shafts.
- (k) The relationship and preservation of public use of and access to public open spaces.
- (l) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.

xii Outline Development Plan – Village Activity Areas

In the Jacks Point Zone, the Outline Development Plan of any Village (V) Activity Area lodged with the Council for approval pursuant to Rule 12.2.5.1(xiii), in respect of:

- (a) Roading pattern.
- (b) Indicative subdivision design and configuration and allotment sizes.
- (c) Compliance with the relevant Density Master Plan.
- (d) Proposed setbacks from roads and internal boundaries.
- (e) Pedestrian links through the (V) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas.
- (f) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
- (g) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
- (h) The maintenance of view shafts.
- (i) The relationship and preservation of public use of and access to public open spaces.
- (j) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.

...

12.2.3.5 Non-Complying Activities

...

ix Wetlands

In the Jacks Point Zone, any development, landscaping and/or earthworks within 20 metres of any wetland area identified on the relevant structure plan.

...

12.2.5.1 Site Standards

...

iii Outline Development Plan (Jacks Point Zone)

- (a) No subdivision or development shall take place within any individual Residential (R) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2 (xi) with respect to all of that area.
- (b) No subdivision or development shall take place within any Residential (R) Activity Area which does not comply with an Outline Development Plan in respect of that area approved by the Council pursuant to the preceding rule.
- (c) No subdivision or development shall take place within any Village (V) Activity Area shown on the Jacks Point Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2(xii) with respect of all of that (V) area.
- (d) No subdivision or development shall take place within any (V) Area which does not comply with an Outline Development Plan in respect of that (V) Area approved by the Council pursuant to the preceding rule.

...

12.5.2 Assessment Matters

...

(xiv) Controlled Activity – Outline Development Plan (Jacks Point Zone)

- (a) For Residential (R) Activity Area Outline Development Plans:
 - (i) The extent to which the proposed Outline Development Plan achieves the policies and objectives of the zone.
 - (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
 - (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
 - (iv) Pedestrian safety.

- (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within each Residential (R) Activity Area.
- (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open Space (OS) and Golf (G) Activity Areas.
- (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
- (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
- (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
- (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
- (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Residential (R) Activity Area.
- (xii) The methods used to manage the boundary between the Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
- (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
- (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local community, particularly families and children.
- (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies and objectives of the Zone.
- (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan.

(b) For Village (V) Activity Area Outline Development Plans:

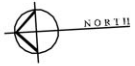
- (i) The extent to which the proposed Outline Development Plan achieves the policies and objectives of the zone.
- (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
- (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.

- (iv) Pedestrian safety.
- (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within the Village (V) Activity Area.
- (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open Space (OS) and Golf (G) Activity Areas.
- (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
- (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
- (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
- (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
- (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Village (V) Activity Area.
- (xii) The methods used to manage the boundary between the Village (V) Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
- (xvii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
- (xiii) The extent to which the subdivision layout provides for areas of open space for use by the local and wider community.
- (xiv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies and objectives of the Zone.
- (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan."

Amendments to the Jacks Point Structure Plan: Refer Figure 8 – Amended Jacks Point Structure Plan (Section 6.3.3 of the Jacks Point Decision)

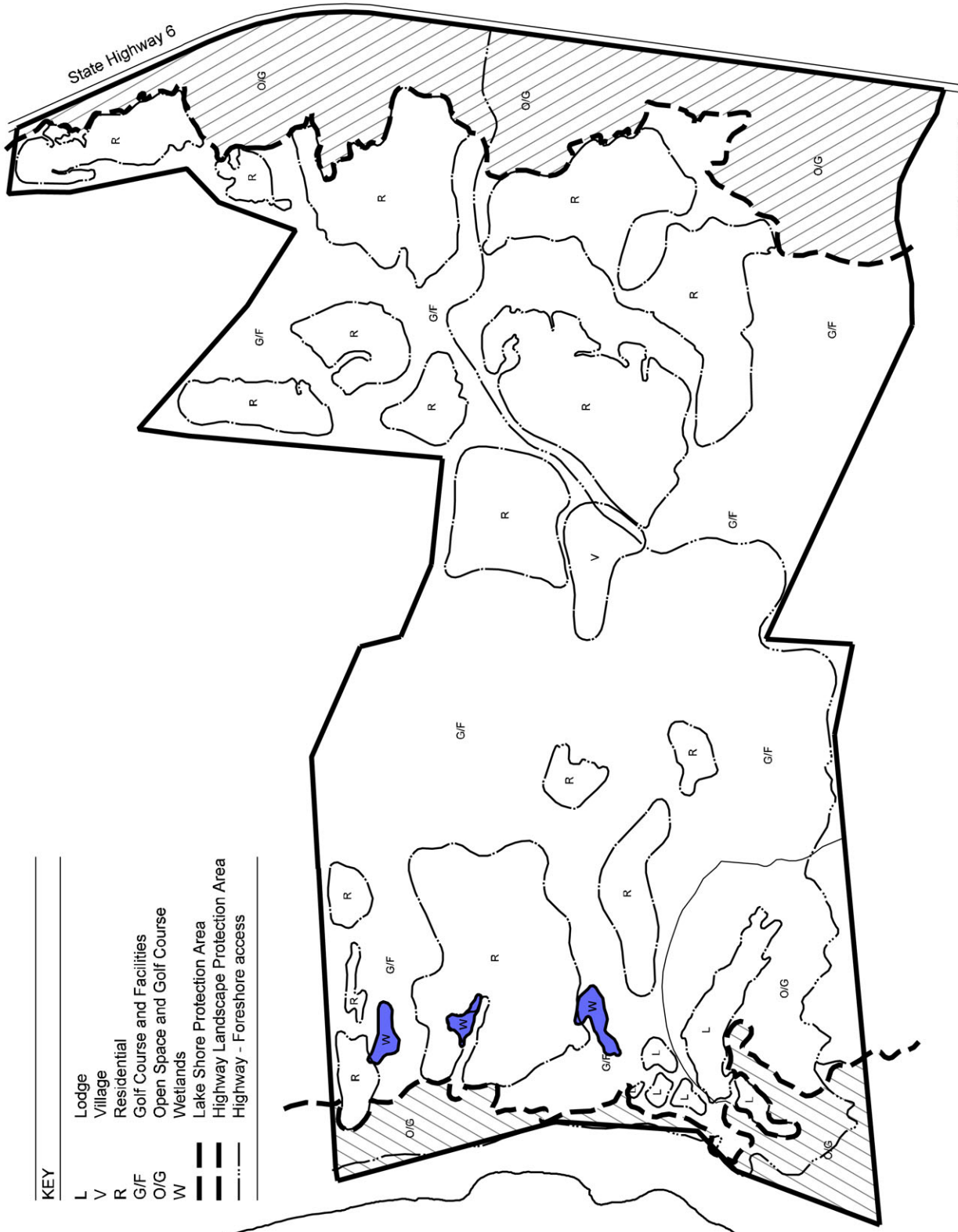
Those parts of the submission by Steve Couper which are accepted relate to the preservation of wetland habitats and other habitats. Those parts of the submissions which are not accepted relate to the density of proposed development and the retention of all existing native vegetation.

Those parts of the submissions by Naturally Best New Zealand Limited and Shotover Park Limited which are accepted relate to the Structure Plan, as notified, being 'vague', and to the Variation, as notified, having the potential to allow for an inappropriate intensity of



KEY

- L Lodge
- V Village
- R Residential
- G/F Golf Course and Facilities
- O/G Open Space and Golf Course
- W Wetlands
- Lake Shore Protection Area
- Highway Landscape Protection Area
- Highway - Foreshore access



Lake Wakatipu



FIGURE 8
 Amended Jacks Point Structure Plan
 (Section 6.3.3 of the Jacks Point Decision)
 scale 1:15,000 (A4)
 11 August 2003

development. Those parts of the submissions which are not accepted relate to the density of proposed development and the request that the Variation be rejected in its entirety.

Reasons for Decision

1. The proposed density of development within Jacks Point Zone is not inappropriate and accords with the purpose and principles of the RMA.
2. It is considered appropriate to provide for the preservation of wetlands in the Jacks Point Zone for those reasons outlined in the discussion above.
3. Having considered Variation 16 as notified and amended pursuant to this decision, it is considered unnecessary to amend the Variation to require the retention of all existing native vegetation.
4. Subject to the amendments made in this decision, development on the tablelands is of a density and intensity that will not result in adverse effects that are more than minor.
5. The requirement of Outline Development Plans (subject to the Council's approval as a controlled activity) for residential and village development, will ensure that the intensity of development does not result in adverse effects on the environment.

6.4 Commercial Activities

The following submissions and further submissions relate to the facilitation of commercial activities within the Jacks Point Zone.

6.4.1 Submissions

Jacks Point Limited [16/26/2] submits that Variation 16 anticipates a village area within the Zone. The nature of the Zone, and its distance from Queenstown urban areas, means that there will inevitably be demand for small-scale retail and commercial activities to occur within the Zone. Provision should be made for such activities.

Accordingly, the submitter seeks that:

- (a) Section 12.1.4 Objective 4 be amended to read:

"To enable development of an integrated resort community, incorporating residential activities, visitor accommodation, small scale commercial and outdoor recreation..."

- (b) Section 12.2.1 - Zone Purposes, be amended by adding to paragraph 4, to read:

"...The zoning anticipates two 18 hole championship golf courses, a luxury lodge, and a variety of residential and commercial activities".

- (c) The second sentence of Rule 12.2.5.1(i)(b) be amended to read:

"In the Jacks Point Resort Zone, retail and commercial activities, and indoor and outdoor recreation facilities are also allowed in this area".

D S and J F Jardine and G B Boock [16/27/5] request that Objective 4 be amended to read as follows:

"To enable development of an integrated resort community, incorporating residential activities, visitor accommodation, small-scale commercial and outdoor recreation..."

The submitter states that this amendment realises the operational realities of resort zones where they are located considerable distances from urban areas. There will be a need for limited retail sales and commercial activities to occur within the Zone.

6.4.2 Consideration

In considering the above submissions, consideration has also been given to the submissions by Henley Downs Holdings Limited, as they relate to commercial activities (refer section 6.9.7 of this decision).

As notified, Jacks Point Zone provides for retail activities within the Village Activity Area as a permitted activity. With the exception of retail activities, commercial activities are not provided for within the Zone.

The Proposed District Plan defines commercial activities as:

*“means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. **Excludes** recreational, community and service activities, home occupations, visitor accommodation and homestays.”*

As discussed earlier in this report, it is considered that the location and development of new urban areas should have regard to the principle that Queenstown central business district (CBD) is the heart of the community (as identified in Tomorrow’s Queenstown). It would be inappropriate to facilitate uncontrolled and/or large-scale commercial growth in new urban areas for the following reasons:

- Dispersed commercial development can have adverse effects on community identity;
- Dispersed commercial development can have adverse effects on transport networks;
- Large commercial development can result in associated adverse effects on amenity and visual values; and
- Uncontrolled commercial development may result in outcomes that do not accord with the District Plan’s objectives and policies.

Notwithstanding the above discussion, it is considered appropriate to provide for small-scale commercial activities within the Jacks Point Zone, as it will assist in enhancing people’s social and economic wellbeing. The provision of small-scale commercial activities will provide opportunity for activities which are unlikely to have more than minor adverse effect on the environment.

The provision of ‘small-scale’ activities is intended to prevent activities such as service stations, supermarkets, motor vehicle sales and other large scale activities that have the potential to generate adverse effects on the wider environment.

With regard to the above discussion, it is considered appropriate to provide for small-scale commercial activities (up to 200m² net floor area) within the Jacks Point Zone as a permitted activity within the Village Activity Area. Commercial activities greater than 200m² and in all other activity areas are appropriately provided for as discretionary activities.

6.4.3 Decision

That the submissions by **Jacks Point Limited** [16/26/2] and **S and J F Jardine and G B Boock** [16/27/5] are **accepted**, and the following amendments are made to Variation 16:

“Objective 4 Jacks Point Resort Zone

To enable development of an integrated resort community, incorporating residential activities, visitor accommodation, small-scale commercial and outdoor recreation...

...

12.2.1 Zone Purpose

...

The purpose of the Jacks Point Zone is to provide for a high quality destination golf resort covering approximately 415ha of land between the Remarkables and Lake Wakatipu. The zoning anticipates two 18-hole championship golf courses, a luxury lodge, and a variety of residential and commercial activities.

...

12.2.5.1 Site Standards

...

i Structure Plan

- (b) *Village Area (V)... In the Jacks Point Resort Zone, ~~retail commercial~~ activities, and indoor and outdoor recreation facilities are also allowed in this area.*

...

iii Nature and Scale of Activities

In the Jacks Point Zone the maximum net floor area (as defined) for any commercial activity shall be 200m².

...

12.5.2 Assessment Matters

...

xiv Nature and Scale of Activities (Jacks Point Zone)

- (a) *The extent to which the proposed activity will result in levels of traffic generation or pedestrian activity, which is incompatible with the nature and scale of surrounding area and the intent of the Zone.*
- (b) *Any potential adverse effects of increased levels of vehicle and pedestrian activity in terms of noise, vibration, disturbance, and loss of privacy, which is inconsistent with the surrounding environment.*
- (c) *The extent to which the proposed activity is integral and necessary and/or desirable within the Zone.*
- (d) *The extent to which the character of the site remains consistent with the surrounding environment.”*

Reasons for Decision

1. It is appropriate to provide for small-scale commercial activities at Jacks Point Zone, as it will assist in enhancing people's social and economic wellbeing.
2. The provision of small-scale commercial activities will provide opportunity for activities which are unlikely to have more than minor adverse effect on the environment.

6.5 Non Consequential Amendments

The following submissions relate to typographical errors and wording inconsistencies in the Jacks Point Zone provisions as notified.

6.5.1 Submissions

Jacks Point Limited [16/26/3] submits that the wording of Rule 12.2.4 is inconsistent with that of the relevant Structure Plan.

Accordingly, the submitter seeks that Rule 12.2.4 (a) be amended to read:

"...and any variation of the Public Access Route shown on Figure 1 Structure Plan may be publicly notified under section 94 of the Act".

Jacks Point Limited [16/26/5] submits that there are typographical errors.

Accordingly, the submitter requests that:

(a) Rule 12.2.5.2 (vi) (b) be amended to read:

"...except in relation to farming activities ~~at~~ in the Jacks Point Zone".

(b) Rule 12.5.2 (ii) (e) be amended by changing the "l" of 'lodge' to upper case.

D S and J F Jardine and G B Boock [16/27/21] bring to the Council's attention a topographical error.

Accordingly, the submitters seek the to amend 12.2.5.2 (vi) (b) by correcting the typographic error as follows:

"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 activities ~~at~~ in the Jacks Point Zone."

6.5.2 Consideration

It is considered that the above submissions request amendments that will have no effect on the intent of the District Plan provisions as they relate to Jacks Point Zone. Furthermore, it is considered that the amendments proposed will assist in the legibility of the District Plan provisions.

It is noted that, without derogating from the intent of the relief sought, the wording of the requested amendments has been altered slightly to reflect the decisions throughout this report.

6.5.3 Decision

That the submissions by **Jacks Point Limited** [16/26/3] [16/26/5] and **D S and J F Jardine and G B Boock** [16/27/21] are **accepted**, and the following amendments are made to Variation 16:

"12.2.4 Non-Notification of Applications

(a) *In the Jacks Point Resort Zone the design and layout of the Highway and Lakeshore Landscape Protection Area under Rule 12.2.3.2(x) and any variation of the Public Access Route shown on the Jacks Point Structure Plans may be publicly notified under section 94 of the Act.*

...

12.2.5.2 Zone Standards

...

vi Nature and Scale of Activities

...

- (b) 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 activities ~~at~~ in the Jacks Point Zone.

...

12.5.2 Assessment Matters

...

(ii) Controlled and Discretionary Activities – Buildings – Resort Zones

...

- (e) For buildings within the ~~L~~odge area..."

Reasons for Decision

1. The amendments requested will have no effect on the intent of the District Plan provisions as they relate to Jacks Point Zone.
2. The amendments proposed will assist in the legibility of the District Plan provisions.

6.6 Building Height

The following submissions and further submissions relate to the Jacks Point Zone Standards as they relate to height controls for buildings.

6.6.1 Submissions

Jacks Point Limited [16/26/4] submits that the 8m height limit should apply consistently across the relevant activity areas.

Accordingly, the submitter requests that Rule 12.2 5.2 (ii) (b) be amended to read:

"In the Jacks Point Zone the maximum height of buildings shall be:
(i) Residential (R), and Village (V) Activity Areas - 8m".

Naturally Best New Zealand Limited [16/35/12] and **Shotover Park Limited** [16/41/12] submit that the height controls established in the proposed Variation are inappropriate. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/12] [322/16/41/12] oppose the submissions on the basis that the various rules and performance standards detailed in the proposed Variation are appropriate.

Henley Downs Holdings Limited [16/19/2] submits that the height controls for the Jacks Point Zone should be amended as follows:

Amend Rule 12.2.5.2 (i) by deleting (1), (2) and (4) and replace with the following:

"1. Residential buildings - 8 metres.

2. All other buildings (other than filming towers) - 10 metres.
3. Filming towers - 12 metres."

Jacks Point Limited [322/16/19/2] opposes that part of the submission by Henley Downs requesting Rule 12.2.5.2 (i) to be deleted and replaced, as it may impose an eight metre height limit to the Lodge Area.

D S and J F Jardine and G B Boock [16/27/19] seek to simplify and clarify the building height restrictions for the various Activity Areas throughout the Jacks Point Zone. A general height of 8 metres for buildings within the Village, Residential and Vineyard areas will be mitigated by the requirement for 80% of the Foreshore area to be planted in native vegetation prior to any residential buildings being constructed. The residential areas will also include 20% of land area being planted in natives.

Accordingly, the submitters seek the to amend rule 12.2.5.2 (ii) as follows:

"(d)	<i>In the Jacks Point Zone the maximum height of buildings shall be:</i>	
(i)	<u>Residential (R), Village (V), Open Space - Vineyard (OS/V) and Farm Buildings and Craft (FBA) Activity Areas</u>	8m.
(ii)	<u>Lodge (Area L) and non-residential farming buildings</u>	10m
(iii)	<u>Filming towers</u>	12m
(iv)	<u>All other buildings and structures</u>	4m"

6.6.2 Consideration

As notified, the District Plan provisions for Jacks Point Zone provide for:

- Clubhouses, restaurants, retail and residential buildings to a height of 8m;
- Lodge buildings to a height of 10m;
- Filming towers to a height of 12m; and
- All other buildings and structures to a height of 4m.

Buildings that do not comply with relevant Zone Standard are assessed as a non-complying activity.

Jacks Point Limited seeks amendments to the provisions to provide for all buildings within the Residential and Village Activity Areas to a height of 8m. It is considered appropriate to provide a blanket height of 8m over Residential Activity Areas for the following reasons:

- Site and visibility analysis of the Coneburn Downs area has assisted in identifying Residential Activity Areas suitable for development;
- A consistent height 8m throughout the Residential will not increase the potential for adverse effects on the environment.

With regard to the submission by Henley Downs Holdings Limited, requesting that all other buildings be permitted to 10m, such an approach is considered appropriate for the Village Activity Areas, for the following reasons:

- The topography of the proposed Village Activity Areas will allow for buildings to a height of 10m without compromising visual amenity values within or beyond the Zone boundaries;
- The activity to be carried out within a building is irrelevant in the context of possible adverse effects arising from the bulk and location of the building;
- Subject to the amendments within this decision, the requirement for development to be undertaken in accordance with a Council approved Outline Development Plan, will ensure that potential adverse effects of development in the Village Activity Areas will not be more than minor; and
- A 10m height will allow for interesting and attractive urban design and built form throughout the Village Activity Areas, while also ensuring efficient use of the land resource.

Notwithstanding the above discussion, and with regard to the submissions by Naturally Best New Zealand Limited and Shotover Park Limited, it is appropriate to give further consideration to the potential effects associated with the height of buildings that may be developed on the tablelands and Jacks Point within the Zone. As discussed earlier in this decision (refer sections 6.2.4 – 6.2.6), the tablelands are a more sensitive landscape than the central valley and hummocks, however, both have the potential to absorb residential and other development if carried out in the appropriate manner.

With regard to the Lodge Activity Areas on Jacks Point, section 6.2.6 of this decision provides for development in those areas as a restricted discretionary activity. Pursuant to that decision, it is within the Council's discretion to reject or apply conditions to consent if the height of development is considered inappropriate. Notwithstanding this, the Panel consider it appropriate to stipulate a maximum 5m height for buildings and structures within the Lodge Activity Areas, particularly given their potential to result in adverse effects on visual amenity if development is not subservient to the landscape. As such, it is the Panel's decision that buildings greater than 5m in the Lodge Activity Areas be assessed as non-complying activities.

Section 6.2.6 of this decision provides for the development of 18 'homesites' (Homesite Activity Areas) within the Jacks Point Zone, as notified. That decision requires buildings within a Homesite Activity Area to be no higher than 5m above a specific datum identified for each particular Homesite Activity Area. It is considered that this approach remains appropriate.

The Hearings Panel also took time to discuss the merits of allowing filming towers to height of 12 metres. The Panel considered that such structures could have significant adverse effect on visual amenity and as such should be restricted in their height. Accordingly, the Panel considered it appropriate to remove the reference to filming towers and rely on a 4m height restriction for all structures. In this manner, any filming tower greater than 4m will be assessed on its merits.

With regard to submission by D S and J F Jardine and G B Boock, the submitters seek confirmation as to the permissible height of buildings within two new Activity Areas introduced through their submissions, namely:

- The Farm Buildings and Craft Activity Area; and
- The Open Space/Vineyard Activity Area.

In addition, the submitters seek an amendment to the Zone provisions that will allow farm buildings to a height of 10m (consistent with the Rural General Zone).

Within the Farm Buildings and Craft Activity Area and the Open Space/Vineyard Activity Area, it is considered appropriate to provide for buildings to a height 8m for the following reasons:

- Existing vegetation and future planting will assist in mitigating the effects of development;
- The Activity Areas provide for a small range of activities that, together with the provisions of the District Plan, will not result in over domestication or loss of landscape and visual amenity values; and
- The nature of the site allows for buildings of an 8m height to be absorbed beneath the higher terraces.

With particular regard to the Farm Buildings and Craft Activity Area, the existing Remarkables Station homestead buildings are an example of the potential absorption capability of the site when appropriate vegetation is established. The existing buildings are not visible from beyond the boundaries of Homestead Bay, except for fleeting views from the lake.

With regard to farm buildings for non residential purposes it is appropriate that such buildings be permitted to a height of 10m (consistent with the provision of farm buildings in the Rural General Zone) to provide adequately for farming activities that will continue on the balance of the Remarkables Station. Furthermore, the establishment of farm buildings will accentuate the rural character of the site.

Therefore, with the exception of buildings in Residential Activity Areas, Village Activity Areas, Lodge Activity Areas, the Farm Buildings and Craft Activity Area, the Open Space/Vineyard Activity Area, farm buildings for non residential purposes and buildings and structures within Homesite Activity Areas on the tablelands, all other buildings and structures shall remain restricted to 4m in height.

In making its decisions the Panel considered height from 'existing ground level'. Accordingly, it is the Panel's decision that all building and structure heights shall be measured from existing ground level, unless the Plan states otherwise.

6.6.3 Decision

That the submissions by **Jacks Point Limited** [16/26/4] and **D S and J F Jardine and G B Boock** [16/27/19] are **accepted**, the submissions by **Naturally Best New Zealand Limited** [16/35/12] and **Shotover Park Limited** [16/41/12] are **accepted in part**, and that the further submissions by **Jacks Point Limited** [322/16/35/12] [322/16/41/12] are **rejected**, and the following amendments are made to Variation 16:

"12.2.5.2 Zone Standards

...

ii Building Height

...

(b) *In the Jacks Point Zone the maximum height of buildings shall be:*

(i) Clubhouses, restaurants, retail and residential buildings	8m
(ii) Lodge (Area L)	10m
(iii) Filming Towers	12m
(iv) All other buildings and structures	4m
(i) Village (V) Activity Areas	10m
(ii) Non residential farm buildings	10m
(iii) Residential (R) Activity Areas	8m
(iv) Open Space/Vineyard (OS/V) Activity Area	8m
(v) Farm Buildings and Craft (FBA) Activity Area	8m
(vi) Lodge (L) Activity Areas	5m
(vii) All other buildings and structures	4m

The maximum height for any building shall be measured from ground level, measured at any point and the highest part of the building immediately above that point.

Those parts of the submissions by Naturally Best New Zealand Limited and Shotover Park Limited which are accepted relate to the height controls in the Variation as notified being inappropriate. Those parts of the submissions which are not accepted relate to the Variation being rejected in its entirety.

Reasons for Decision

1. In conjunction with the Jacks Point Structure Plan and Zone provisions, the proposed heights will not result in adverse effects that are more than minor;
2. The activity to be carried out within a building is irrelevant in the context of possible adverse effects arising from the bulk and location of the building, and as such, building heights are more appropriately restricted by activity area rather than building use;

3. It is necessary to restrict the height of buildings on the tablelands to 5m or less to ensure that the adverse effects on landscape and visual amenity values are no more than minor; and
4. The provision of buildings in the Village Activity Areas to a 10m height will assist in facilitating urban design and built form which is interesting and attractive and makes efficient use of the land resource.
5. The proposed revegetation of the Open Space – Foreshore Activity Area will assist in mitigating any potential adverse effects associated with development at Homestead Bay; and
6. Providing for non-residential farm buildings to a height of 10m appropriately provides for farming activities to occur while accentuating the rural character of the Zone.

6.7 Amendments to the Jacks Point Zone Structure Plan

The following submissions relate to the amendments to the Jacks Point Structure Plan.

6.7.1 Submissions

Jacks Point Limited [16/26/6] submits that the following amendments are necessary to the Jacks Point Zone Structure Plan:

- (a) Extend the Jacks Point Zone to the lakes edge. The reason for this change is that there is no logical reason to have a thin strip of Rural General zoned land between the Jacks Point Zone and the lake edge. This change would also extend the Lakeshore Landscape Protection Area right to the lakeshore.
- (b) Apply different hatching to the proposed structure plan to differentiate the Lakeshore Landscape Protection Area from the Highway Landscape Protection Area.
- (c) Amend the Structure Plan key to include the hatching referred to in (b) above.
- (d) Delete the words "Lake Shore Protection Area" from the Structure Plan key and replace with "Lakeshore Landscape Protection Area" to maintain consistency with the written provisions.
- (e) Delete the words "Highway-Foreshore Access" from the Structure Plan key and replace with "Public Access Route" to maintain consistency with the written provisions.
- (f) Reword the title of the Structure Plan to read "Figure 1 - Jacks Point Structure Plan" to maintain consistency with the written provisions.

The submitter seeks that the Jacks Point Structure Plan be amended as requested (refer Appendix 6 – Proposed Structure Plan submitted by Jacks Point Limited).

The Panel noted that in addition to those amendments sought above, the Structure Plan tabled at the hearing by the submitter had been amended slightly, to the effect that it combined two Residential Activity Areas.

6.7.2 Consideration

Jacks Point Limited seeks an amendment to the Jacks Point Structure Plan to the extent that it is extended to the edge of Lake Wakatipu. It is considered inappropriate to make such an amendment, as that land on the lake edge is Crown land. In this regard, the submitter does not own the land or have any rights over that land and, in addition, no consultation has been undertaken with Land Information New Zealand.

The following amendments to the Jacks Point Structure Plan, requested by Jacks Point Limited, are considered appropriate:

- Apply different hatching to the proposed structure plan to differentiate the Lakeshore Landscape Protection Area from the Highway Landscape Protection Area;
- Amend the Structure Plan key to include the hatching referred to in (b) above;
- Delete the words "Lake Shore Protection Area" from the Structure Plan key and replace with "Lakeshore Landscape Protection Area" to maintain consistency with the written provisions;

- Delete the words "Highway-Foreshore Access" from the Structure Plan key and replace with "Public Access Route" to maintain consistency with the written provisions; and
- Reword the title of the Structure Plan to read "Figure 1 - Jacks Point Structure Plan" to maintain consistency with the written provisions.

Such amendments will ensure consistency with the District Plan provisions as they relate to Jacks Point Zone, and will also provide further clarity to plan users. The amendments do not alter the intent of the structure plan or relevant provisions.

With regard to the to the minor amendment to the Residential Activity Areas within the Structure Plan tabled during the hearing, it is considered that the amendment will not alter the outcome of proposed development in anyway.

6.7.3 Decision

That the submission by **Jacks Point Limited** [16/26/6] is **accepted in part**, and the Jacks Point Structure Plan is amended as shown in Figure 9 – Amended Jacks Point Structure Plan (Section 6.7.3 of the Jacks Point Decision).

That part of the submission by Jacks Point which is accepted relates to amendments to the Structure Plan which do not alter the intent of that Plan or any relevant provisions. That part of the submission which is not accepted relates to extending the Zone to the lake edge.

Reasons for Decision

1. It is inappropriate to extend the Jacks Point Zone to the lake edge, as that land on the lake edge is Crown land and no consultation has been undertaken with Land Information New Zealand.
2. The balance of amendments requested by the submitter do not alter the intent of the Structure Plan or relevant provisions.

6.8 **Mining of Rock, Aggregate and Gravel**

The following submission seeks to provide for the mining of rock, aggregate and gravel from the Jacks Point Zone as a discretionary activity.

6.8.1 Submissions

Jacks Point Limited [16/26/7] submits that the mining of aggregate is a discretionary activity in the Rural General zone subject to specific Assessment Matters. It is a non-complying activity in the Resort Zones. The Jacks Point Zone covers a large area of land. It is likely that there will be rock, aggregate and/or gravels within the site adequate for roading purposes. It is appropriate that the mining of rock/aggregate/gravels within the Zone be a discretionary activity subject to the same Assessment Matters as apply in the Rural General zone.

Accordingly, the submitter request the following amendments:

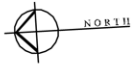
- (a) Insert new Rule 12.2.3.4 Discretionary Activities subclause (vii) as follows:

"(vii) Mining (Jacks Point Zone)
The mining of rock and/or aggregate and/or gravel"




- (b) Amend rule 12.2.3.5 Non-Complying Activities subclause (iv) as follows:

"(iv) Mining Activities
With the exception of the mining of rock and/or aggregate and/or gravel in the Jacks Point zone"

- (c) Amend Rule 12.5.2 Assessment Matters accordingly.



KEY

L	Lodge
V	Village
R	Residential
G/F	Golf Course and Facilities
O/G	Open Space and Golf Course
	Lakeshore Landscape Protection Area
	Highway Landscape Protection Area
	Public Access Route



Lake Wakatipu

State Highway 6



FIGURE 9
Amended Jacks Point Structure Plan
(Section 6.7.3 of the Jacks Point Decision)

scale 1:15,000 (A4)

11 August 2003

During the hearing for Variation 16, the submitter emphasised that the purpose of any mining activities at Jacks Point would be to provide local stone for roading and building purposes within the Zone.

6.8.2 Consideration

The submitter seeks amendment to the provisions for Jacks Point to the extent that the mining of rock, aggregate and gravel be subject to resource consent as a discretionary activity. The primary purpose of the amendment is to provide the opportunity for roading and building materials to be extruded from the site.

It is considered appropriate to provide for the mining of rock, aggregate and gravel as a discretionary activity for the following reasons:

- Discretionary activity status of mining will allow consideration of the potential adverse effects on the environment;
- Where the mining is found to have no more than minor effect on the environment, consent will allow for sustainable use of the mineral resource;
- Where mining is found to have an adverse effect on the environment that is more than minor, conditions may be applied to avoid, remedy or mitigate those effects, or in the alternative, consent may be declined.

To ensure that mining of rock, aggregate and gravel at Jacks Point does not have more than minor adverse effects on the environment, the following matters need be considered at the time of resource consent application:

- Potential effects on amenity, recreational, nature conservation, landscape and visual amenity values;
- The ability of the proposal to rehabilitate the site during and after mining;
- The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas, particularly in the event that the mine is closed prematurely, or abandoned.

With regard to the above discussion it is considered appropriate to amend the District Plan as requested by the submitter, and in addition, provide further guidance through the provisions as to what the Council wishes to achieve through the District Plan rules.

6.8.3 Decision

That the submission by **Jacks Point Limited** [16/26/7] is **accepted**, and the following amendments are made to the Proposed District Plan:

“12.1.4 Objectives and Policies

...

Policies

...

4.7 To avoid mining activities which do not contribute to the sustainable development of the Jacks Point Zone.

12.2.3.4 Discretionary Activities

...

vii Mining

In the Jacks Point Zone, the mining of rock and/or aggregate and/or gravel, for use within that Zone.

...

12.2.3.4 Non-Complying Activities

...

iv Mining Activities

With the exception of the mining of rock and/or aggregate and/or gravel in the Jacks Point Zone, as provided for by rule 12.2.3.4 (vii)".

...

12.5.2 Assessment Matters

...

ix Discretionary Activity – Mining (Jacks Point Zone)

- (a) The extent to which mining activities will adversely affect:
- (i) amenity values.
 - (ii) recreational values.
 - (iii) nature conservation values.
 - (iv) landscape and visual amenity values.
 - (v) historical, cultural or known archaeological artefacts or sites.
 - (vi) life supporting capacity of soils, water and air.
 - (vii) public access to and along the lake, river or waterway.
- (b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.
- (c) The ability of the proposal to rehabilitate the site during and after mining.
- (d) The ability of the company to:
- (i) provide a contingency plan for early mine closure.
 - (ii) adequately monitor operations and the effects on the receiving environment.
- (e) Whether the required materials can be acquired from existing mines elsewhere in the District.
- (f) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

Reasons for Decision

1. It is appropriate to provide for the mining of rock, aggregate and gravel as a discretionary activity in the Jacks Point Zone for the following reasons:
 - The provisions of the Jacks Point Zone place emphasis on the use of natural materials for building and soft engineering purposes. Accordingly, it is appropriate to provide the opportunity for such materials to be acquired locally;
 - Discretionary activity status of mining will allow consideration of the potential adverse effects on the environment; and
 - Where mining is found to have an adverse effect on the environment that is more than minor, conditions may be applied to avoid, remedy or mitigate those effects, or in the alternative, consent may be declined.

6.9 Extension of the Jacks Point Zone – Henley Downs land

The following submissions and further submissions relate to that area of land owned by and known as 'Henley Downs'. Submissions by Henley Downs Holdings Limited seek to include this area of land within the Jacks Point Zone and make any necessary consequential amendments to the provisions of the District Plan.

6.9.1 Submissions – Extension of Zone Boundaries to include Henley Downs

Henley Downs Holdings Limited [16/19/1] submits that the Jacks Point Variation is in accord with what has been agreed with the Queenstown Lakes District Council in terms of this area.

The submitter, in response to the Jacks Point Variation has now undertaken detailed site analysis of the Henley Downs property similar to that which forms the basis of the analysis undertaken in support of the Jacks Point development.

The analysis undertaken in respect of the Henley Downs property indicates that a large portion of the property would be suitable for inclusion in the Jacks Point Variation by way of an extension to the area of the land that is subject to Variation 16. Accordingly, the submitter requests that:

- The land owned by the submitter be included in the Jacks Point Resort Zone; and
- All necessary consequential amendments to the provisions of the Variation be made to include the submitter's land in the land subject to the Variation.

Mr Graeme Todd and Mr Donald Miskell provided evidence for the applicant at the hearing in regard to the above submission. That evidence is summarised as follows:

- Since making their original submission, Henley Downs has further refined and reduced the residential and village areas on their land, in order to ensure that the landscape and other values of the area are not compromised.
- Within that area known as the tablelands (refer Figure 11, Coneburn Area Resource Study) the proposal for development has been refined and reduced significantly, to the extent that 18 'homesites' have been identified for development.
- Henley Downs has entered into an agreement (the Stakeholders Deed) with Jacks Point Limited, the owners of Remarkables Station and the Queenstown Lakes District Council to ensure a comprehensive approach to development in the subject area.
- The Henley Downs structure plan (refer Appendix 7 – Structure Plan submitted by Henley Downs Holdings) is based on outcomes of the Coneburn Area Resource Study (Darby and Partners), intervisibility mapping and ecological studies carried out by Boffa Miskell Limited, and community workshops convened by the Queenstown Lakes District Council in 2002.
- Large areas of the submitter's land will be subject to tight and restrictive controls, being the areas known as the Lakeshore and Peninsula Hill protection areas.
- Henley Downs propose a plan incorporating a set of recommended site development and landscape guidelines. The plan provides for (inter alia):
 - A real, sustainable community where people can live, work, play, and not another suburb;
 - Protecting environmental assets and providing for the enhancement of the main wetland as a major focus for the village centre;
 - Neighbourhood parks and a village green;
 - A wide choice of housing and residential lots to attract a broad and diverse community;
 - The encouragement of vernacular architecture in the Arrowtown tradition; and
 - Mixed use activities.

Naturally Best New Zealand Limited [344/16/19/1] and **Shotover Park Limited** [345/16/27/1] oppose submission number 16/19 in its entirety for all the reasons set out in NBNZL's submission number 16/35.

Submission number 16/19 and the relief sought, insofar as it seeks to include any additional land in the proposed Variation and/or anything different from the proposed Variation as notified, is outside the jurisdiction of the Queenstown Lakes District Council.

Jacks Point Limited [322/16/19/1] opposes the Outline Development Plan submitted by Henley Downs Holdings Limited, for the following reasons:

- (i) The areas identified for future development do not properly reflect and respect the landscape characteristics of the site and do not adequately retain and enhance landscape and visual amenity values.
- (ii) The areas identified for future residential development are too extensive and will potentially result in a level of development incompatible with maintaining and enhancing landscape, visual and amenity values within and adjacent to the zone.
- (iii) The areas identified do not allow or provide for retention of sufficient areas of open space.
- (iv) The identified development areas do not properly or adequately relate to development areas identified on the Structure Plan which forms part of the zone as publicly notified.
- (v) The inconsistencies between the submitter's Outline Development Plan and the publicly notified Structure Plan are significant and are likely to detrimentally affect environmental outcomes arising from implementation of the zone.
- (vi) The extent of the development anticipated by the Outline Development Plan is not anticipated by and does not flow from the relevant policies and objectives of the zone.
- (vii) Granting the relief requested in the submission will not achieve appropriate outcomes under the Resource Management Act 1991, would not be appropriate in terms of avoiding, remedying or mitigating adverse effects on the environment, would not constitute a wise and efficient use of natural and physical resources, and would not accord with the purpose and principles of the Resource Management Act.

It is noted that, during the hearing, the Panel questioned the submitters in regard to the proposed Village Activity Areas. The Panel's concern was that, as submitted, the Village Activity Areas were located approximately one kilometre from one another, and as such, were unlikely to be developed in a comprehensive manner. In response, Jacks Point Limited suggested that the Jacks Point Structure Plan be amended to address the Panel's concerns.

6.9.2 Consideration

With regard to the submissions by Henley Downs, seeking that land owned by the submitter be included within that land subject to Variation 16, it must first be considered whether it is in the community's interest to consider urban development within the subject site.

A number of changes were sought by the submitter and it was considered that the submission process allowed adequate opportunity for any person to comment on the proposed changes, and that the submissions should be considered on their merits, taking into account the need to approach development in a comprehensive manner (which is within the wider community's interest).

As discussed in section 2.1 of this decision, upon notification of the 1995 Proposed District Plan submissions were lodged by Henley Downs Holdings Limited seeking that the Coneburn Downs area be identified as an area suitable for future residential development. Following the Council's decisions on submissions, Henley Downs Holdings Limited lodged an a reference in regard to their respective submission. Henley Downs has reached agreement with the Council and are now attempting to resolve the reference by establishing objectives and policies in the Plan that recognise the potential for future urban development in the Coneburn Downs area. It is considered that the Henley Downs submission to the Jacks Point Variation is consistent with the agreement reached with the Council in relation to their reference.

In July 2002 the Council held a number of Public Workshops to assist in the formulation of a Strategic Plan 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. It is considered that controlled development of the Henley Downs site (albeit part thereof) is consistent with the

community's aspirations for the area, and will potentially result in the following positive outcomes:

- Increased housing stock (in a high amenity landscape);
- Employment opportunities;
- Recreation opportunities; and
- Access to walking trails and lake margins.

With regard to those parts of this report that relate to potential adverse effects of development on existing urban and commercial areas in the Wakatipu basin, it is considered that the extension of Jacks Point Zone to include the Henley Downs land, with amendments to the structure plan, will be negligible.

In considering whether to include the Henley Downs land within the Jacks Point Zone, it is prudent to consider the following matters:

- Landscape character;
- Landscape visibility and absorption capability;
- Infrastructure requirements for development;
- Whether the potential adverse effects of development are avoided, remedied, or mitigated through the District Plan provisions as they relate to Jacks Point; and
- Whether the structure plan proposed by the submitter is appropriate in context of the consideration and decisions in this report.

Landscape Character

The landscape character of the Henley Downs land is similar to that of Jacks Point Zone, although less diverse. Bound by Jacks Point Zone to the south, Lake Wakatipu to the West, Peninsula Hill to the North and State Highway 6 to the East, the land comprises 706 hectares. The landscape is defined by four distinct landscape characters – the tablelands, the lake escarpment, the Peninsula Hill escarpment, and the central valley.

Much of the Peninsula Hill escarpment is steep and unsuitable for development. Furthermore, the escarpment is of geological and landscape amenity value, and is appropriate to preserve for future generations to enjoy. The submitter has appropriately proposed that this area be identified as the 'Peninsula Hill Landscape Protection Area' and that the relevant landscape protection provisions of the Jacks Point Zone apply to that area. Accordingly, an amendment is required to the Zone provisions to provide for the new landscape protection area.

The tablelands and lake escarpment are considered to be of geological, topographical and ecological significance, and are, for the most part, aesthetically dominant within their surroundings. The Henley Downs tablelands and lake escarpment are also visually coherent in their form, expressive and legible. Accordingly, the Environment Court has determined that these areas form part of the Wakatipu basin's outstanding natural landscape. It is considered appropriate to confine development on the tablelands to a minimal number of residential dwellings, provided that those dwellings are subservient to the landscape and do not compromise landscape and visual amenity values.

That area which shows characteristics most suitable for development is the central valley, located on the eastern flanks of the site adjacent to State Highway 6. The central valley is contained within the walls of the surrounding landscape and is dominated by farming characteristics. It is considered that while urban development would be a dramatic change to the landscape of this area, if carried out in the appropriate manner, it would have little adverse effect on the surrounding landscape.

Landscape visibility and absorption capability

An extensive visibility analysis has been carried out over the Henley Downs land as part of the Coneburn Area Resource Study. The analysis is primarily used to identify those parts of the site that are not visible from State Highway 6 and Lake Wakatipu. The visibility analysis (refer Figure 10, Coneburn Area Resource Study and Figure 1, Site Intervisibility Analysis, Evidence of Donald Miskell) identifies several areas as being either 'not visible' or as having 'low visibility' from both the State Highway and Lake Wakatipu. The areas are located on the Peninsula Hill escarpment, the tablelands, and the central valley. While these areas have

been identified as being appropriate for development, control is still essential to ensure that the development does not compromise landscape and visual amenity values. Development controls and design guidelines are necessary for the tablelands to ensure that development is subservient to the landscape, and to a lesser extent, the same are required for development in the central valley, to ensure that development results in positive environmental effects. The requirement for development to occur in accordance with Council approved development controls and design guidelines is mandated through this decision (refer sections 6.2.4 – 6.2.6) and also through the 'Stakeholder's Deed'.

In addition to development controls and design guidelines, it is appropriate that all buildings on the tablelands be subject to height controls on a site by site basis. As such, consideration has been given to each homesite identified by the submitter in terms of the potential building envelope, and a datum level has been applied to each Homesite Activity Area created pursuant to this decision. It is considered that a building up to 5m above the datum level will not result in adverse effects on the environment. Any building or structure 5 metres above the specified datum is appropriately assessed as a non-complying activity.

Infrastructure

With regard to infrastructure, it is noted that Henley Downs have not submitted a report in this regard, and as such, the findings of the Coneburn Area Resource Study are relied upon, and in addition regard is given to the Soil Survey undertaken by Glasson Potts Fowler Limited.

With regard to roading, access to the site from State Highway 6 is currently achieved from Woolshed Road. When development occurs at Jacks Point it is anticipated that access will be achieved for the proposed Jacks Point access. Any further access to the site would be at the discretion of the Council and Transit New Zealand at the time of application for subdivision.

It is considered that provision for wastewater disposal is achievable. The Henley Downs site is within range of connecting to the Queenstown Frankton Sewerage System at the Kawarau Falls Bridge on State Highway 6. In addition, the Soil Survey carried out over the site confirms that there is potential for on site disposal to land.

With regard to water supply there are three primary alternative water sources available for Henley Downs – Lake Wakatipu, a secure bore, or connection to Council's water supply at the Kawarau Bridge.

There are a series of streams and watercourses running through the subject land. Subject to consent by the Otago Regional Council, these waterways may be used for the discharge of stormwater. It is considered that the additional run-off associated with development of the site will be minimal.

With regard to power supply, Delta Utility Services have advised that there is sufficient capacity in the grid exit point (operated by Transpower) to cope with an expected load increase of up to 1000 lots in the Coneburn area. However, feeder lines into the area will require up grading at some time during development.

Telecom New Zealand Limited advise that there is an existing fibre optic cable that extends to the Lakeside Estates Development and that this has very high capacity to serve future development. Telecom does not expect that there would be any restriction on the expansion of its system to serve development in the Jacks Point Area.

District Plan Provisions

It is considered that, subject to the amendments in this decision (particularly those pursuant to section 5.2.6), the Jacks Point Zone provisions are appropriate for application to the Henley Downs land. The Zone provisions, in conjunction with an appropriate structure plan layout, will ensure that the potential adverse effects of development on the site will be no more than minor. Essentially, the Zone provisions and structure plan will ensure that development is contained within those areas that are able to absorb it, thus achieving the District Plan's objectives and policies, and other areas will be retained as open space, suitable for recreation and other outdoor pursuits.

Notwithstanding the discussion above, it is considered that the following consequential amendments to the Zone provisions are required:

Amendment to Zone Provisions	Reason for Amendments
Amend Provision 12.2.1 <i>Zone Purpose</i> to reflect the purpose of the Zone following the Panel's decision to extend it to include land owned by Henley Downs Holdings Limited.	It is appropriate to amend the Zone Purpose to reflect: <ol style="list-style-type: none"> 1. The evidence presented to the Panel by Henley Downs Holdings Limited which placed emphasis on the creation of a 'real' community; 2. Community benefits (including public access) that will result from development at Jacks Point; 3. Development will take place in accordance with development controls and design guidelines; and 4. The sustainable nature of the Zone, as emphasised in the evidence of Henley Downs Holdings Limited.
Amend Rule 12.2.3.2(x) <i>Landscaping and Public Access (Jacks Point Zone)</i> to include the Peninsula Hill escarpment as a Landscape Protection Area.	To ensure a net environmental gain within the Jacks Point Zone, it is necessary to ensure that significant landscapes and ecosystems, such as the Peninsula Hill escarpment, are not degraded by the planting of inappropriate vegetation.
Amend Rule 12.2.3.4(vi)(b) <i>Vegetation (Jacks Point Zone)</i> to include a standard requiring all planting on the Peninsula Hill escarpment to be indigenous and characteristic to the landscape.	
Amend Zone Standard 12.2.5.2(ii) <i>Building Height</i> to ensure that the maximum height of any buildings or structures within a Homesite Activity Area may not be greater than 5m above a specific datum for that particular Activity Area.	Each Homesite Activity Area on the tablelands has been specifically chosen due to its ability to absorb change. The maximum height from datum reflects the fact that each site is different, and that some may require excavation to achieve appropriate outcomes.
As a consequential amendment, it is necessary to amend the Jacks Point Structure Plan as notified, so that the Village Activity Area on the Jacks Point land is sited adjacent to the Village Activity Area on the Henley Downs land.	It was agreed at the hearing that it is appropriate that the Village Activity Area's on the Jacks Point land and Henley Downs land be located adjacent to one another for the following reasons: <ol style="list-style-type: none"> 1. Such an approach will encourage comprehensive development of the two village activity areas; 2. Such an approach is likely to encourage comprehensive development of the surrounding open space areas; and 3. Activities enabled within the Village Activity Areas are appropriately contained within one area, thus minimising adverse effects on the surrounding environment. Notwithstanding the above, it is considered that the amended Village Activity Area better reflects the visibility analysis of the proposed site, carried out as part of the original Section 32 assessment.

With regard to the submissions by Naturally Best New Zealand Limited and Shotover Park Limited, it is considered their concerns are addressed by the amendments throughout this decision.

Proposed Structure Plan

With regard to the structure plan submitted by Henley Downs Limited, it is considered that the issues raised in the further submission by Jacks Point Limited are justified. Therefore, and with regard to the above discussion, it is decided that the Henley Downs land be incorporated into the Jacks Point Zone, subject to the following structure plan amendments:

- The areas identified for future development be amended to reflect and respect the landscape characteristics of the site, including landscape and visual amenity values;
- The areas identified for future residential development be refined to provide for a level of development compatible with maintaining and enhancing landscape, visual and amenity values within and beyond the Zone; and
- That the Activity Areas identified be amended to properly relate to those Activity Areas identified within the Jacks Point provisions.

6.9.3 Decision

That the submission by **Henley Downs Holdings Limited** [16/19/1] is **accepted in part**, the further submission by **Jacks Point Limited** [322/16/19/1] is **accepted**, and the further submissions by **Naturally Best New Zealand Limited** [344/16/19/1] and **Shotover Park Limited** [345/16/27/1] are **rejected**, and the following amendments are made to the Proposed District Plan and the Jacks Point Structure Plan:

Amendments to the Proposed District Plan:

“12.2 Resort Zone Rules

12.2.1 Zone Purpose

...

~~The purpose of the Jacks Point Zone is to provide for a high quality destination golf resort covering approximately 415ha of land between the Remarkables and Lake Wakatipu. The zoning anticipates two 18-hole championship golf courses, a luxury lodge, and a variety of residential activities.~~

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

The anticipated villages 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 design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure that the villages contribute to providing 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 educational and medical facilities, craft and winery activities, outdoor recreation and enhanced access to and enjoyment of Lake Wakatipu.

...

12.2.3.2 Controlled Activities

...

x Landscaping and Public Access (Jacks Point Zone)

The design of the Lakeshore, Peninsula Hill and Highway Landscape Protection Areas and provision of public access to Lake Wakatipu through the Zone in respect of:

...

12.2.3.4 Discretionary Activities

...

vi Vegetation (Jacks Point Zone)

In the Jacks Point Zone:

- (a) *Within the Highway Landscape Protection Area (refer Structure Plan) – the planting and/or growing of any tree which may or does obscure views from the State Highway to the mountain peaks beyond the Zone;*

- (b) Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) – the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Peninsula Hill escarpment.
- (c) Within the Lakeshore Landscape Protection Area (refer Structure Plan) – the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Lake Wakatipu foreshore.
- (d) Anywhere within the Zone...

...

12.2.5.2 Zone Standards

...

ii Building Height

...

- (e) *In the Jacks Point Zone the maximum height of buildings shall be:*
 - (i) Clubhouses, restaurants, retail and residential buildings 8m
 - (ii) Lodge (Area L) 10m
 - (iii) Filming towers 12m
 - (iv) All other buildings and structures 4m

Except in the following Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for that Activity Area:

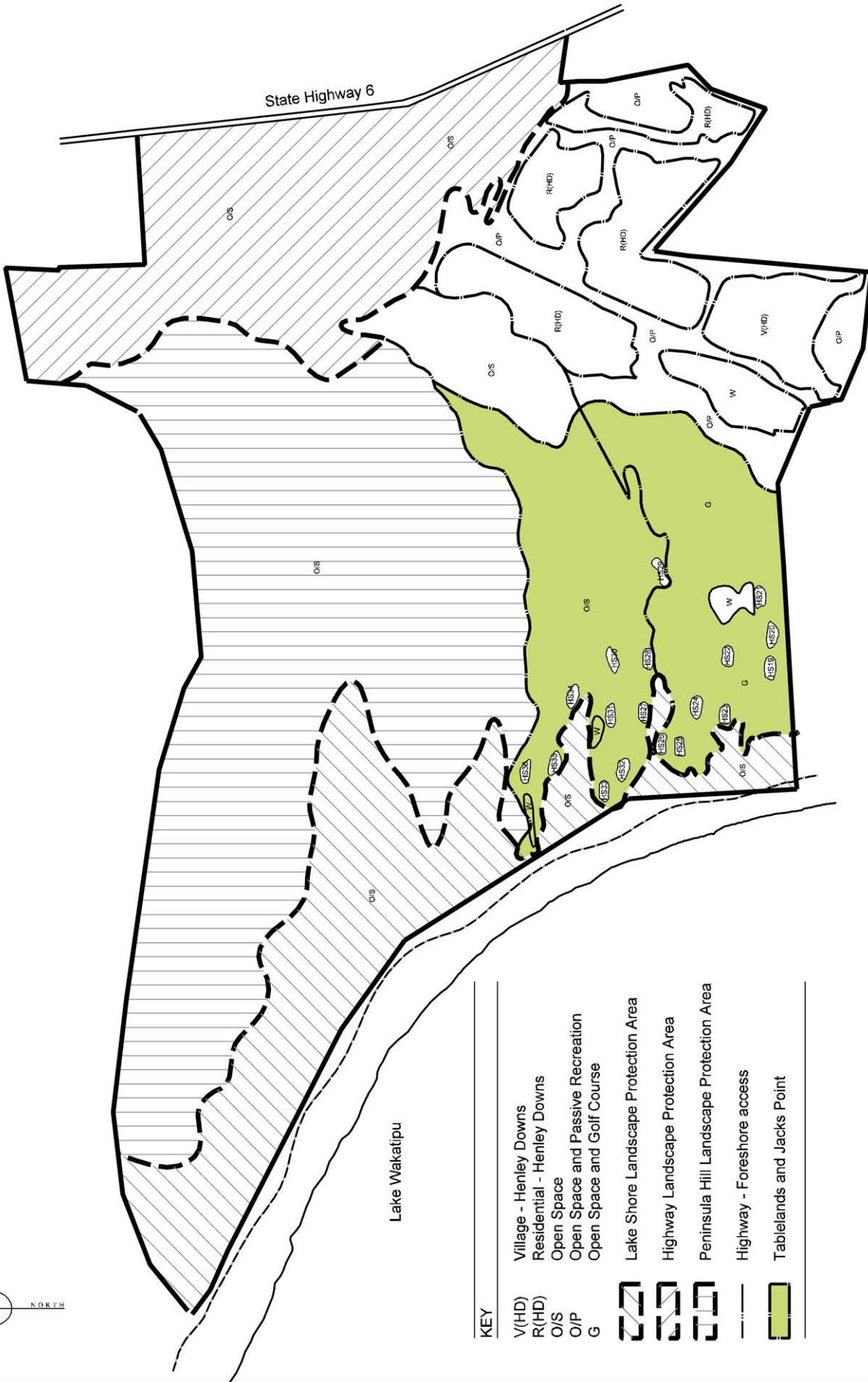
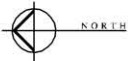
<u>HS Activity Area Number</u>	<u>Datum (masl)</u>	<u>HS Activity Area Number</u>	<u>Datum (masl)</u>
<u>HS¹⁹</u>	<u>372.0</u>	<u>HS²⁸</u>	<u>392.6</u>
<u>HS²⁰</u>	<u>377.2</u>	<u>HS²⁹</u>	<u>385.5</u>
<u>HS²¹</u>	<u>372.5</u>	<u>HS³⁰</u>	<u>395.9</u>
<u>HS²²</u>	<u>374.0</u>	<u>HS³¹</u>	<u>393.7</u>
<u>HS²³</u>	<u>371.5</u>	<u>HS³²</u>	<u>384.8</u>
<u>HS²⁴</u>	<u>372.4</u>	<u>HS³³</u>	<u>385.8</u>
<u>HS²⁵</u>	<u>373.0</u>	<u>HS³⁴</u>	<u>399.0</u>
<u>HS²⁶</u>	<u>378.1</u>	<u>HS³⁵</u>	<u>405.0</u>
<u>HS²⁷</u>	<u>388.0</u>	<u>HS³⁶</u>	<u>400.3"</u>

Additions and amendments to the Jacks Point Structure Plan: Refer Figure 10a – Henley Down’s Structure Plan (Section 6.9.3 of the Jacks Point Decision) and Figure 10b – Amended Jacks Point Structure Plan (Section 6.9.3 of the Jacks Point Decision).

That part of the submission by Henley Downs Holdings Limited which is accepted relates to the extension of the of the Jacks Point Zone boundaries to include the submitter’s land and consequential amendments to the Zone provisions to include that land. That part of the submission which is not accepted relates to the accepting the submitter’s proposed structure plan exactly as submitted.

Reasons for Decision

1. Subject to the amendments made throughout this decision, the extension of the Jacks Point Zone boundaries to include land owned by Henley Downs Holdings Limited will:
 - Not result in adverse effects that are more than minor;
 - Assist in the promotion of sustainable development of natural and physical resources;
 - Assist the local community and visitors in providing for their social, economic and cultural wellbeing;



KEY

- V(HD) Village - Henley Downs
- R(HD) Residential - Henley Downs
- O/S Open Space
- O/P Open Space and Passive Recreation
- G Open Space and Golf Course
- Lake Shore Landscape Protection Area
- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Highway - Foreshore access
- Tablelands and Jacks Point

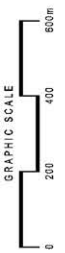
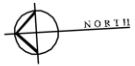
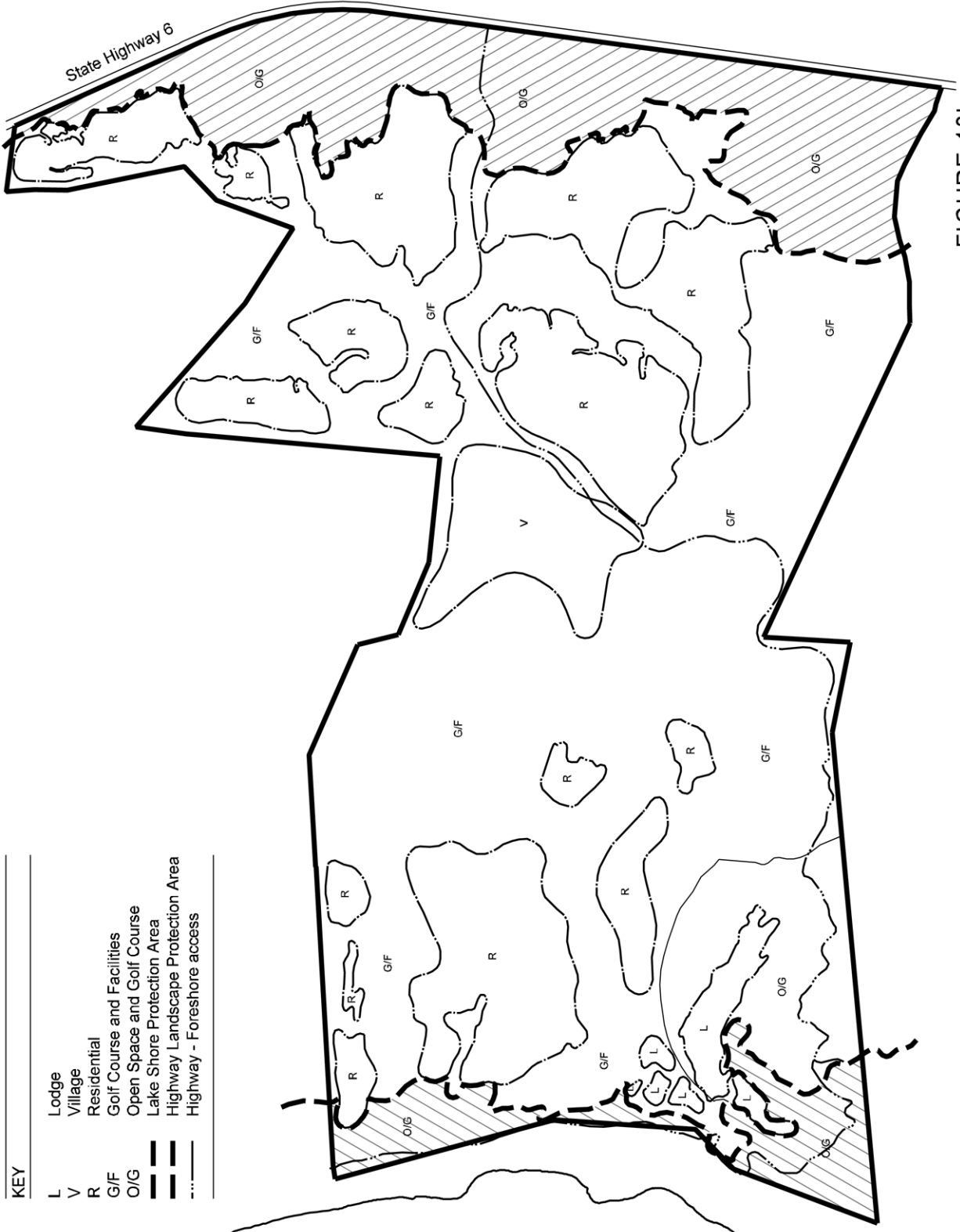


FIGURE 10a
 Henley Downs Structure Plan
 (Section 6.9.3 of the Jacks Point Decision)
 scale 1:20,000 (A4) R 13 August 2003



KEY	
L	Lodge
V	Village
R	Residential
G/F	Golf Course and Facilities
O/G	Open Space and Golf Course
---	Lake Shore Protection Area
---	Highway - Landscape Protection Area
---	Highway - Foreshore access



Lake Wakatipu

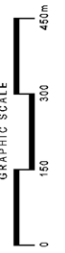


FIGURE 10b
Amended Jacks Point Structure Plan
(Section 6.9.3 of the Jacks Point Decision)

scale 1:15,000 (A4)

11 August 2003

- Ensure comprehensive development of those parts of the Coneburn area which are appropriate for development;
 - Assist in the retention and enhancement of ecological values throughout the Jacks Point Zone; and
 - Provide public access to areas previously not available to the wider community.
2. The above amendments provide a clear and transparent picture as to the intent of rules in the Plan and will ensure that the community (both residents and visitors to the District) will benefit from development at Jacks Point; and
 3. The minor amendments to the structure plan submitted by Henley Downs reflect the outcomes of the Coneburn Area Resource Study and will assist in achieving sound resource management of the land resource.

6.9.4 Submissions – Zone Name

Henley Downs Holdings Limited [16/19/3] submits that it may be appropriate that, to be consistent with the proposed provisions of the Proposed District Plan, that the Zone be known as the Coneburn Downs Resort Zone.

The submitter requests that the Council rename the Jacks Point Resort Zone 'Coneburn Downs Resort Zone' and make all necessary amendments to the Variation provisions to recognise such.

During the hearing, counsel for the submitter was questioned by the Panel as to whether it was appropriate to refer to the Zone as a 'Resort Zone', particularly given the submitter's emphasis on achieving a real community where people can live and work. The submitter agreed with the Panel that consideration should be given to removing the reference to 'Resort' from the Zone's name.

Jacks Point Limited [322/16/19/3] opposes the submission on the basis that 'Jacks Point Resort Zone' is the appropriate name.

During the hearing, counsel for the submitter was questioned by the Panel as to whether it was appropriate to refer to the Zone as a 'Resort Zone', particularly given form of development that was likely occur should the Zone proceed. The submitter agreed with the Panel that consideration should be given to removing the reference to 'Resort' from the Zone's name.

6.9.5 Consideration

Henley Downs Limited submits that the Zone is more appropriately referred to as Coneburn, rather than Jacks Point. Coneburn refers to the wider environment which is apparent from its use in historic legal descriptions, ie Coneburn Survey District. It is considered that the name Jacks Point provides more certainty in terms of the location of the Zone.

Both Henley Downs Limited and Jacks Point Limited agreed with the Panel that, given the emphasis on creating a 'real' community at Jacks Point, where people can live, work and recreate, it is appropriate that the term 'Resort' be removed from the Zone's name. Accordingly, the Zone shall be known as 'Jacks Point Zone'.

6.9.6 Decision

That the submission by **Henley Downs Holdings Limited** [16/19/3] is **rejected** and that the further submission by **Jacks Point Limited** [322/16/19/3] is **accepted in part**, and the following amendments are made to the Provisions of the Proposed District Plan:

1. All references in the Proposed District Plan to 'Jacks Point Resort Zone' be amended to read 'Jacks Point Zone'; and
2. Any other reference to Jacks Point as a 'Resort Zone' be amended to recognise the Zone as the 'Jacks Point Zone'.

That part of the Submission by Jacks Point which is accepted relates to the Zone appropriately being known as 'Jacks Point'. That part of the submission which is not accepted relates to the Zone being known as a 'Resort'.

Reasons for Decision

1. Jacks Point Zone is the appropriate name for the Zone, as it provides certainty in terms of the location.
2. Removal of the term 'Resort' acknowledges that the primary purpose of the Zone is not to develop a resort at Jacks Point.

6.9.7 Submissions – Amendments to Zone Rules

Henley Downs Holdings Limited [16/19/2] submits that, based on previous reports and studies, it is concluded that Henley Downs property should be included in the Jacks Point Variation so that development in accordance with the Outline Development Plan included with the submission (refer Appendix 7 – Structure Plan submitted by Henley Downs), the proposed rules to the Jacks Point Variation and the amendments noted hereafter proposed to the Variation, can take place as a result of the proposed Variation.

The submitter request the following amendments to the Variation as notified:

- (a) Amend Rule 12.2.3.2 (vii) to read:

"In the Waterfall Park and Coneburn Downs Resort zone educational facilities."

- (b) Amend proposed Rule 12.2.5.1 (i) (b) to read:

"...In the Coneburn Downs Resort Zone, retail activities, commercial activities, health activities, educational activities, office and administration activities and indoor and outdoor recreational facilities are also allowed in this area."

- (c) Amend Rule 12.2.5.2 (i) by deleting sub-paragraph (d) or in the alternative including:

"(e) in the Henley Downs portion of the Coneburn Downs Resort zone there is to be no maximum number of residential units."

Note that, for the purposes of clarity, that part of this submission which relates to height is considered with section 6.6 of this decision.

On behalf of Henley Downs Limited, and in response to the Planner's Report as it related to the above submission, Mr Graeme Todd and Mr Donald Miskell presented evidence to the Hearings Panel, which is summarised as follows:

Education and Health Services

- It is important that a village at Henley Downs provide opportunities for people to live, learn, work and recreate in the neighbourhood, thus minimising the need for excessive car use, and assisting in the sustainable development. In this essence, the provision of education and health facilities in the village is desirable.

Retail and Commercial Facilities

- In response to the Planner's recommendation to apply a restriction of 100m² maximum net floor area to commercial activities, Henley Downs submit that there is no justifiable resource management reason for such an imposition, and suggest that the threshold be increased to 250m². The submitter has no intention to provide for bulk retail sales, but feels that opportunity should be provided within the Zone for commercial and office type activities to cater for those residing within the Zone.

Density Cap

- While Henley Downs are relaxed about the suggested cap for the Jacks Point and Henley Downs properties, they submit that the same may not be appropriate for the following reasons:
 1. The detailed landscape assessments that have been undertaken have identified 'nodes' which are shown on the structure plan, within which development can occur without compromising the landscape and other values of the properties or views of the same.
 2. The rules for the proposed zone suggest that only 5% of the total of Jacks Point and Henley Downs properties should be developed.
 3. That if it is accepted that the areas which have been identified are suitable for development then, for a number of reasons and in particular to meet the demand for development opportunities within the area, it is desirable that the identified areas for development should be developed to their maximum potential provided they do not compromise landscape and other values.
 4. The reasons given for not imposing a cap in terms of the Jardine property are equally applicable to the Jacks Point and Henley Downs properties.

Jacks Point Limited [322/16/19/2] opposes aspects of the submission, which refer to the Outline Development Plan, for those reasons expressed in submission 322/16/19/1.

With regard to residential unit density it is submitted that:

- (i) Sub paragraph (d) of Rule 12.2.5.2 (i) should not be deleted.
- (ii) There should be provision for a maximum number of residential units within the zone.
- (iii) If the zone is varied to include the Henley Downs land, a similar maximum number of 400 residential units should apply in relation to that land - which will make a total of 800 within the zone.
- (iv) If reference to a maximum number of units is to be deleted, that should apply to both the original Jacks Point zoned land and the Henley Downs land.

Granting the relief requested in the submission will not achieve appropriate outcomes under the Resource Management Act 1991, would not be appropriate in terms of avoiding, remedying or mitigating adverse effects on the environment, would not constitute a wise and efficient use of natural and physical resources, and would not accord with the purpose and principles of the Resource Management Act.

With regard to the proposed density cap, Mr Warwick Goldsmith submitted to the Panel that whether or not a cap should be imposed is a decision for the Council. Notwithstanding this, Mr Goldsmith brought the following matters to the Panel's attention:

1. It is understood that the cap of 400 dwellings was originally put in place due to the potential concern about over development.
2. Since that time the 'Tomorrow's Queenstown' strategic planning exercise has identified a need to accommodate future growth and has confirmed the Coneburn Area as being suitable to accommodate future growth.
3. The Coneburn Resource Area Study has assessed the land constituting Jacks Point Zone as being able to accommodate and absorb in excess of 1,000 residential units.
4. Infrastructure reports support in excess of 1,000 residential units within subject area.
5. Within the Homestead Bay area the Planner's Report recommends no cap – for very good resource management reasons – which are equally applicable to the Jacks Point land and Henley Downs land.

6.9.8 Consideration

With regard to any zone name changes suggested in the above submissions, attention is drawn to section 6.9.6 of this decision, which amends the Zone's name to 'Jacks Point Zone'.

Henley Downs seeks amendments to the Zone provisions to provide for commercial activities, health activities, educational facilities, and office and administration activities within the Village Activity Area of the Zone. The appropriateness of each activity is discussed hereafter.

Retail and Commercial Activities

Section 6.4.3 of this report makes decisions in respect to commercial activities in the Zone, in essence, providing for small-scale commercial activities within the Village Activity Area. The decided approach remains appropriate.

Education and Health Services

It is considered appropriate to provide for health and education services within the Jacks Point Zone, provided that:

- Those services do not compromise the facilitation of health and education services in other areas of Wakatipu basin, eg Lakes District Hospital;
- Those services assist in the sustainable development of the Jacks Point Zone as a community; and
- Those services do not exacerbate potential adverse effects on the environment, eg traffic generation.

To provide certainty to those persons wishing to establish health and education services, it is considered that a restricted discretionary activity status is appropriate for such community activities, with Council's discretion being limited to those matters identified above.

Office and Administration Activities

For all intents and purposes, office and administration activities are commercial activities. It is considered appropriate to provide for small-scale office and administration activities within the Jacks Point Zone, as it will assist in enhancing people's social and economic wellbeing. The provision of small-scale office and administration activities will provide opportunities for local people to operate small business close to home, and for local people to utilise local services. In addition, such activities are unlikely to have more than minor adverse effect on the environment.

To facilitate small-scale office and administration activities it is considered appropriate to amend the District Plan to provide for them in the Village Activity Areas. Pursuant to section 6.4.3 of this decision, all commercial activities are subject to District Plan provisions, whereby any commercial activity greater than 200m² in net floor area will be assessed as a discretionary activity.

Density Cap

In essence, Jacks Point Limited submits that there should be provision for a maximum number of residential units within the Zone and that whatever approach is taken to controlling the density, that approach should be consistent throughout the Zone.

With regard to those submissions relating to density of development within the Jacks Point Zone, it is considered appropriate to discard any reference to a maximum density throughout the Zone, and in its place, provide a requirement to achieve an average density throughout the Residential (R) and Village (V) Activity Areas.

It is considered inappropriate to provide a maximum density throughout the Zone for the following reasons:

- The density of development on the Tablelands has been determined pursuant to section 6.2.6 of this decision;
- Activity Areas designated for open space, recreation, farming and golf activities do not provide for residential development (ie pursuant to this decision, residential development is a non-complying activity in those Activity Areas);
- Residential development in the Residential (R) and Village (V) Activity Areas is constrained by the size of the nodes and by the relevant site and zones standards;
- The total building footprint on the Jacks Point land and the Henley Downs land within the Jacks Point Zone is restricted to 5% site coverage respectively (such that 10% - 15% of the Zone will appear to be domesticated and/or in distinctly modified) ; and
- Subject to an average density requirement, development will be undertaken in a manner that sees the efficient use of the land resource in those areas most appropriate for development.

The Panel was conscious of ensuring efficient use of the land resource while also ensuring that development resulted in a variety of densities. Mixed density is desirable as it ensures that a wide variety of people are attracted to the Zone and development is able to respond to the landscape. It is considered that an average density across the Residential (R) and Village (V) Activity Areas of 10 – 12 residential units per hectare is appropriate for the following reasons:

- The proposed average density results in an average allotment size of approximately 750m² and the potential for approximately 800 residential units on the Jacks Point land and approximately 600 residential units on the Henley Downs land, therefore maximising the land resource in those areas which are able to absorb development.
- The proposed average density requirement allows for high density development to occur in areas that are able to absorb a significant level of change (ie the Village Activity Area);
- The proposed average density requirement allows for low density development to occur in areas that have less capability to absorb change (ie those Residential Activity Areas adjacent to the State Highway); and
- The proposed average density will ensure that the Zone results in a mix of densities, which will assist with creating a vibrant and interesting community.

With regard to Infrastructure, it is noted that the Zone is capable of sustaining an average density of 10 – 12 residential units per hectare across the Residential (R) and Village (V) Activity Areas.

To ensure that the average density requirement is achieved prior to subdivision and development, it is considered appropriate to make the following amendments to the Zone provisions for the Jacks Point Zone:

Important Note – Section 6.9.3 of this decision amends Variation 16 to incorporate land owned by Henley Downs Holdings Limited into the Jacks Point Zone. In making the following decision, the Panel has given regard to those amendments.

1. The addition of site standards requiring the Residential (R) and Village (V) Activity Areas on the Jacks Point land to be master planned in terms of density (at an average of 10 – 12 residential units per hectare) and staging, prior to subdivision and development occurring within any of those Activity Areas.
2. The addition of site standards requiring the Residential and Village Activity Areas on the Henley Downs land to be master planned in terms of density (at an average of 10 – 12 residential units per hectare) and staging, prior to subdivision and development occurring within any of those areas.

6.9.9 Decision

That the submission by **Henley Downs Holdings Limited** [16/19/2] is **accepted in part** and that the further submission by **Jacks Point Limited** [322/16/19/2] is **accepted**, and the following amendments are made to the Proposed District Plan and the Jacks Point Structure Plan:

“12.2.3.4 Discretionary Activities

...

vii Health and Education Services

In the Jacks Point Zone, health and education services and facilities, with the exercise of Council’s discretion being limited to:

- The potential for the proposed activity to compromise the provision of existing community health and education services within the Wakatipu basin; and
- The extent to which the proposed activity is necessary and assists in the development of a sustainable community at Jacks Point.

...

12.2.5.1 Site standards

i Structure Plan

...

- (b) Village Area (V) – In the Shotover Resort, Jacks Point and Millbrook Resort Zones 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. In the Jacks Point Resort Zone, ~~retail activities,~~ small scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities, are also allowed in this area.”

...

iii Density Master Plan (Jacks Point Zone)

- (a) No residential development shall take place within any Jacks Point Residential Activity Area (R(JP) Activity Area) or the Jacks Point Village Activity Area (V(JP) Activity Area) identified on Structure Plan 1 – Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(JP) and V(JP) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(JP) and V(JP) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(JP) and V(JP) Activity Area in order to achieve the required overall average density of between 10-12 dwellings per hectare across all of the R(JP) and V(JP) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(JP) and V(JP) Activity Areas.
- (b) An amended Density Master Plan may be lodged with the Council in respect of all R(JP) and V(JP) Activity Areas from time to time – with the effect of amending densities within individual R(JP) and V(JP) Activity Areas – provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(JP) and V(JP) Activity Areas.
- (c) No residential development shall take place within any Henley Downs Residential Activity Area (R(HD) Activity Area) or the Henley Downs Village Activity Area (V(HD) Activity Area) identified on Structure Plan 2 – Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(HD) and V(HD) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(HD) and V(HD) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(HD) and V(HD) Activity Area in order to achieve the required overall average density of between 10-12 dwellings per hectare

across all of the R(HD) and V(HD) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(HD) and V(HD) Activity Areas.

(d) An amended Density Master Plan may be lodged with the Council in respect of all R(HD) and V(HD) Activity Areas from time to time – with the effect of amending densities within individual R(HD) and V(HD) Activity Areas – provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(HD) and V(HD) Activity Areas.

(e) No residential development shall take place within any R(JP) Activity Area, V(JP) Activity Area, R(HD) Activity Area or V(HD) Activity Area which does not comply with the current Density Master Plan lodged with the Council pursuant to previous subparagraphs of this rule.

...

12.2.5.2 Zone Standards

i Residential Units

...

(d) In the Jacks Point Zone ~~the maximum number of residential units permitted is 400 provided that:~~

- (a) Until such time as 18 golf holes are constructed, only 200 residential units and a 60 room lodge are permitted; and
- (b) No residential dwelling may be occupied until 18 golf course holes have been constructed.

...

12.5.2 Assessment Matters

...

xiv Health and Education Services (Jacks Point Zone)

(a) Whether the provision of health and education services within the Zone compromise the provision of health and education services in other areas of Wakatipu basin;

(b) The extent to which health and education services within the Zone assist in the sustainable development of the Jacks Point Zone as a community; and

(c) The extent to which health and education services within the Zone do not exacerbate potential adverse effects on the environment such as excessive traffic generation and noise pollution.”

Amendments to the Jacks Point Structure Plan: Refer Figure 11 – Amended Jacks Point Structure Plan (Section 6.9.9 of the Jacks Point Decision)

Those parts of the submission by Henley Downs Holdings Limited which are accepted relate to the provision of education and health facilities and retail and commercial facilities, and the deletion of the reference to a maximum 400 residential units within the Zone. That part of the submission which is not accepted relates to the removal of the proposed residential density cap in its entirety.