

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 09
- Resort Zones

**STATEMENT OF EVIDENCE OF MARION READ
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE – JACKS POINT ZONE

17 January 2017

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TABLE OF CONTENTS

1. INTRODUCTION	1
2. EXECUTIVE SUMMARY	3
3. BACKGROUND	9
4. STRUCTURE PLAN - INTRODUCTION	13
5. STRUCTURE PLAN - VILLAGE	15
6. STRUCTURE PLAN - RESIDENTIAL (STATE HIGHWAY)	16
7. STRUCTURE PLAN - RESIDENTIAL	17
8. STRUCTURE PLAN - OPEN SPACE RESIDENTIAL AMENITY	19
9. STRUCTURE PLAN - EDUCATION PRECINCT	20
10. STRUCTURE PLAN - OPEN SPACE GOLF	21
11. STRUCTURE PLAN - OPEN SPACE LANDSCAPE	21
12. STRUCTURE PLAN - EDUCATION INNOVATION CAMPUS	25
13. STRUCTURE PLAN - WETLAND	27
14. STRUCTURE PLAN - LODGE ACTIVITY AREA	28
15. STRUCTURE PLAN - HOMESITES	36
16. STRUCTURE PLAN - FARM PRESERVE ACTIVITY AREA	38
17. LANDSCAPE PROTECTION AREAS	44
18. SUBMISSION 715 – JARDINE FAMILY TRUST & REMARKABLES STATION LTD	51
19. SPECIFIC PDP PROVISIONS NOT ADDRESSED ABOVE	52
20. RESPONSE TO THE MEMORANDUM OF COUNSEL ON BEHALF OF JACKS POINT LTD ET AL	61

APPENDIX 1 Plan showing differences between ODP and PDP Structure Plans

1. INTRODUCTION

- 1.1 My full name is Marion Read. I am the principal of my own landscape planning consultancy, Read Landscapes. I have been in this position since June 2013.
- 1.2 I hold a Bachelor of Landscape Architecture with Honours from Lincoln University, a PhD in Landscape Architecture also from Lincoln University, and a Masters of Resource and Environmental Planning from Massey University. I have eleven years' experience in landscape planning. In addition I have a Bachelor of Arts from Otago University and a Certificate of Proficiency in Landscape Revegetation from Massey University. I am a member of the New Zealand Institute of Landscape Architects and the New Zealand Planning Institute.
- 1.3 I have been engaged by the Queenstown Lakes District Council (**Council**) to provide evidence in relation to landscape matters for the Jacks Point Zone Chapter 41 proposal of the Proposed District Plan (**PDP**).
- 1.4 I have been involved in aspects of the preparation of the PDP for some years. In 2011 I undertook a study to determine the appropriate locations for the boundaries between the differing landscape classifications in the District as part of the Council's review of the rural zones. In 2014 I submitted an updated and expanded version of this report to the Council. Following peer review the report was modified and the boundaries determined as were subsequently notified in the PDP.
- 1.5 In 2014 I also undertook a landscape character assessment of the Wakatipu Basin. This assessment made a series of recommendations regarding the management of that landscape, including the establishment of several new Rural Lifestyle zones, and, more broadly, of the landscapes of the District. In the course of preparing these reports I undertook extensive site visits, particularly to areas of the Wakatipu and Upper Clutha basins.
- 1.6 I have been providing the Council with expertise in relation to landscape issues since 2005. I have been involved in a number of plan changes, including PC19 (Frankton Flats), PC26 (Wanaka Airport), PC28 (Trails), PC39 (Arrowtown South), PC41 (Shotover Country), PC44 (Hanley Downs), PC45 (Northlake), and PC50 (Queenstown Town Centre). In addition I provided the Council with a report regarding the proposed urban boundaries of Queenstown

and Wanaka, which I believe helped inform Plan Changes 20, 23 and 30. I have provided landscape evidence on behalf of both the Council and applicants with regard to plan changes and resource consent applications at numerous Council hearings.

- 1.7** I have appeared in the Environment Court as a landscape witness on behalf of the Council on numerous occasions regarding both resource consents and plan changes. I am familiar with the rural areas of the District having lived in the area for five years and now worked intensively and extensively within the area for ten.
- 1.8** In relation to the PDP, I have prepared two statements of evidence on behalf of the Council, the first for the Strategic Directions and Landscape chapters (in Hearing Stream 1) and the second for the Rural chapters (in Hearing Stream 2). In relation to the Jacks Point Zone, I have previously provided landscape and visual assessments of many resource consent applications within the zone including for a lodge and associated buildings within the Lodge Activity Areas. In addition I have also provided evidence for the Council, at the Council hearing on Plan Change 44.
- 1.9** Although this is a Council hearing I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 1.10** The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:
- (a) the Operative District Plan (**ODP**), particularly Chapter 12 Resorts;
 - (b) the PDP, particularly Chapter 41 Jacks Point but also Chapter 27 Subdivision and Development, Chapter 6 Landscape, and Chapter 21 Rural;
 - (c) the section 32 report for Chapter 41;
 - (d) Reply of Nigel Roland Bryce on behalf of Queenstown Lakes District Council: 27 Subdivision and Development Chapter;

- (e) Report for Agenda Item: 3 Private Plan Change 44: Hanley Downs – Ratification of Commissioner recommendation;
- (f) the Coneburn Area Resource Study 2002;
- (g) the Update to the Coneburn Resource Study 2015, by My Tyler as part of the Hanley Downs entities' evidence at the PC44 hearing;
- (h) the Comprehensive Design Guidelines Version 3: September 2009;
- (i) the Residential Design Guidelines Version 3 September 2009;
- (j) the Jack's Point; The Preserve Design Guidelines Version 1 2006;¹ and
- (k) the Jacks Point Village Building Design Guidelines 2008.²

1.11 In my evidence, I consider the landscape and visual amenity implications of the PDP rules and I consider the submissions on those rules which have landscape or visual amenity implications.

1.12 Attached to this evidence is the following:

- (a) **Appendix 1:** Plan showing the differences between the ODP and PDP Structure Plans.

2. EXECUTIVE SUMMARY

2.1 The key conclusions in my evidence are that:

- (a) the visibility analysis of the Coneburn Area Resource Study and the Updated Coneburn Resource Study under predict the actual effects of development within the Jacks Point Zone;
- (b) despite the much higher levels of visibility of development within the zone than anticipated, it remains important to manage the landscape context of the zone;
- (c) the notified PDP Structure Plan alters some existing Activity Areas, and creates some new ones:
 - (i) the Village Activity Area within the Jacks Point portion of the zone has been increased in area but with no effect on landscape or visual amenity;

1 I understand this is the version referred to in consent notices, although I am also aware of a later version available on the Jack's Point website.

2 Approved under RM080410.

- (ii) a new Residential (State Highway) Activity Area is defined in the proposed Rules. Within the Jacks Point portion of the zone these areas have already been subdivided and largely developed. Within the Hanley Downs portion of the zone these areas are located close to the State Highway and I consider that subdivision within 75m of the State Highway should have restricted discretionary status with discretion restricted to the cumulative effects of development on landscape and visual amenity values;
- (iii) the Residential Activity Areas have been altered in configuration, particularly within the Hanley Downs portion of the zone. I consider that Activity Areas R(HD)-G and R(HD)-F should be merged and that homesites should be identified allowing for some, limited development in these areas;
- (iv) the Open Space Residential Amenity Activity Areas allow for a broader range of activities than their equivalent in the ODP. I consider that these activities are appropriate. Indicative open space areas within the Hanley Downs portion of the zone are too ill-defined to ensure usable public space is produced. These areas should be defined within the spatial Structure Plan;
- (v) the proposed Education Precinct is to be located adjacent to the Jacks Point village. It is not considered that this would cause any significant loss of amenity to the residents of Jacks Point. It would result in buildings being visible from the State Highway, but as they would be adjacent to the village they would not appear unexpected;
- (vi) the Open Space Golf Activity Area is restricted to the area of the zone on which the golf course is located. This is not considered to be problematic;
- (vii) the Open Space Landscape Activity Area allows for a considerably greater range of activities to be pursued than are currently provided for in the ODP. Particularly problematic is that the provisions would allow the construction of fences, farm buildings, tracks and the undertaking of mining on Jacks Point hill. I consider the rules relating to the OSL should be amended to limit the

- activities permitted on this important landscape feature to trail formation, recreational activities and indigenous revegetation. I also consider that the rules relating to the OSL should be amended to provide for indigenous revegetation within the land edging the State Highway;
- (viii) the Education Innovation Campus Activity Area is to be located to the north of the Hanley Downs residential areas. I consider that the development enabled by this Activity Area would not have any significant adverse effect on the important views from the State Highway to the Bayonet Peaks;
 - (ix) the Wetland Activity Area is intended to control development near and within the identified wetlands so as to promote their biodiversity and ecological value. I consider this to be appropriate;
 - (x) the Lodge Activity Area remains spatially identical to that of the ODP. Tennis courts are to be controlled activities within the smaller LAA. I consider this appropriate. Swimming pools are also to become controlled activities. I consider that the matters of control proposed are too general and that Rule 41.4.4.1 should be amended to provide more direction as to the appropriate design parameters;
 - (xi) the Homesite Activity Areas remain spatially identical to those of the ODP;
 - (xii) the Farm Preserve Activity Area encompasses an area to the north of the golf course extending up Peninsula Hill to the boundary of the zone. Subdivision and development of up to 34 lots within the lower part of the Activity Area, FP-1, would be allowed. I am opposed to this level of development in this area, but consider that some development might be appropriate. I also consider that this should be located outside of the portion of the area determined to be Outstanding Natural Landscape The more northern, elevated portion of the FP-2 is entirely within the ONL. The notified rules allow for subdivision and development of up to 8 dwellings or visitor accommodation facilities in this area. I am opposed to this approach considering that the priority on Peninsula Hill should be the

- protection of the landscape quality allowing for indigenous revegetation, recreation and farming; and
- (xiii) in all of the Activity Areas the activity status of development has been relaxed so that, in many instances, residential development in particular would be permitted subject only to control by the Jacks Point Design Review Board. While I support the principle of avoiding unnecessary resource consents, I am opposed to the imposition of permitted activity status in the forms proposed to development in areas of the zone that are parts of sensitive landscapes. This includes all areas outside of the village and residential areas;
 - (d) Landscape Protection Areas are included as overlays within the PDP. They retain the role of managing vegetation within their areas, but are now proposed to have implications for possible development. The Tablelands overlay is missing from the spatial Structure Plan and needs to be included. The Peninsula Hill Landscape Protection Area is diminished in area and, given that the whole area is within the ONL I consider that it should be reinstated to its ODP limits;
 - (e) the primary objective for the zone has been modified from that of the ODP and references to having 'appropriate regard for landscape and visual amenity values' removed. I consider that, given the importance of the landscape context of the zone, these references should be reinstated. A number of policies from the ODP have similarly been altered to remove references to landscape, or the policies deleted. I consider that a strong policy framework aiming to protect the quality of the landscape context of the zone is very important and I have recommended amendments and the reinstatement of some ODP policies to ensure this occurs;
 - (f) references to the Design Guidelines have been removed in the PDP, with the responsibility for managing design issues being moved solely to the Design Review Board and a permitted activity regime introduced. I am opposed to this approach within the non-urban areas of the zone. Alternatively, the 'Controls/methods to achieve objectives' from the Design Guidelines could be included within the PDP as performance standards;
 - (g) planting controls have been included within the PDP to support the indigenous character of the development and its surrounding

landscape context. This is appropriate, but I have recommended new wording which clarifies the intention and application of these rules;

- (h) earthworks are to be primarily controlled by the Earthworks Chapter of the ODP. There are however, additional limits imposed within some areas of the zone but none within the Lodge Activity Area. Given the sensitive location of this Activity Area (on Jacks Point hill) I consider that a maximum volume of 1000m³ per annum should be imposed for permitted earthworks, and a maximum cut height of 2.4m. This maximum cut height should also apply within the FPAA.

2.2 In relation to Submissions, my conclusions are:

- (a) RCL (632) request that a new activity area, the Open Space Community and Recreation Activity Area be created and added to the Structure Plan. This area, to be located between the southern boundary of the zone and residential areas is to allow for commercial recreation; the construction of large buildings with a site coverage of up to 10%; and no setback from the southern neighbour. I consider the proposed controls are appropriate and that the effects of this type of development would be relatively small. I am opposed to the absence of a setback, however, and consider that the 20m setback from the zone boundary should apply to protect the amenity of the neighbour;
- (b) Vivo Capital (789) wishes to extend development to the north of Hanley Downs including residential development and a further village centre. I am not opposed to this in principle provided development remains outside of the ONL, but consider that further detail in the form of a spatial plan would be necessary before this was included in the PDP;
- (c) Wild Grass (567) wishes to have three new areas established as Lodge Activity Areas. One of these, to be used for vehicle parking, is located on the valley floor at the foot of Jacks Point hill. I consider that it would be appropriate to locate vehicle parking in this area and that the establishment of the Activity Area in this location, with this limited use, would be appropriate. I consider that development of the other two proposed areas would have significant and adverse effects

on landscape character and quality and on visual amenity and should not be allowed;

- (d) Schrantz (195) and Fiordland Tablelands (770) request that the ODP be reinstated for the Tablelands area, which would eliminate FP-1. I support this submission in principle, but consider that there is some potential within the lower reaches of the area for some development of the homesite type;
- (e) the Jardine Family Trust & Remarkables Station Ltd (715) request an extension to the zone on their land, and to alter some of the broader policies of the zone. I understand that the zone extension component of the submission will be heard in a later hearing, but of particular relevance to this evidence is Policy 41.2.1.10. The submitter has sought the removal of references to over domestication caused by farming. I am opposed to this amendment as the wild character of the higher reaches of the zone which are farmed are an important aspect of the landscape character.

2.3 The memorandum provided by Jacks Point Ltd *et al* on 15 December 2016, includes 'proposed draft changes' to the Structure Plan and notified chapter:

- (a) the changes proposed to the structure plan are significant. They include the deletion of the FP-1 Activity Area and its replacement with 22 Homesites within an expanded OSG Activity Area. This is similar in principle to the proposal made by Ms Jones with my input, but the number and location of the Homesites in the proposed draft changes in my view needs to be subject to further assessment;
- (b) the proposed draft changes delete FP-2 also, replacing this activity area with OSL and the inclusion of two Homesites. I am opposed to the inclusion of these two Homesites, preferring a fully discretionary regime for the management of development in this area. The EIC is deleted and replaced with a Residential Education (Hanley Downs) Activity Area. I do not consider that this alteration would have any significant effects on landscape or visual amenity; and.
- (c) the proposed draft changes delete the Education Activity Area adjacent to the Jacks Point village and have incorporated that area into the Village Activity Area. I am of the opinion that this would extend this type of development too far to the south into an area where it would be clearly visible from State Highway 6.

3. BACKGROUND

- 3.1** The Jacks Point zone is located south of Frankton and below the west facing slopes of the Remarkables Range. A hard schistose ridge running parallel to this range has been left by glacial action in the form of a large roche moutonnée (Peninsula Hill) with a remnant ridge to its south culminating in a small roche moutonnée (Jacks Point, referred to in this evidence as 'Jacks Point hill'). The intervening hollow between the mountains and the ridge has been filled with sediments eroding from both ridges, forming a relatively wide, flat bottomed valley. Slips have combined with erosional forces to create hummocky landforms along the foot of the mountain range. The zone is located over the southern slopes of Peninsula Hill, the toe of the slip slopes, the valley floor, the schistose ridge and Jacks Point hill, within the area known as the Coneburn District.
- 3.2** The Jacks Point zone was established in the ODP with a strong response to its surrounding environment. I understand this was largely driven by Darby Partners who were the original owners and developers of Jacks Point portion of the zone. Other areas within the wider zone, "Hanley Downs" and "Homestead Bay", were (and remain) under other ownership and while responses to the natural environment are still required these areas have received less attention.
- 3.3** Plan Change 44 was undertaken with the overarching aim of increasing development rights within the Hanley Downs portion of the zone. I understand that the Council decision on this plan change declined a number of the proposed activity areas and provisions which were similar to those now promoted in the PDP. This decision is currently under appeal before the Environment Court.
- 3.4** A key part of the research which was undertaken to facilitate the original development of the zone was the Coneburn Area Resource Study (2002). The ODP uses its terminology, and the ODP structure plan strongly reflects its conclusions. Despite this I understand that it has limited weight as a non-statutory document. In my opinion this study has a number of weaknesses, particularly in regard to its visibility analysis.

- 3.5** The visibility analysis was computer based. It is unclear what level of topographic detail was used. Visibility was mapped from along the State Highway at 300m intervals (500m intervals south of Lakeside Estates) and 3m viewing height. Visibility was also assessed in a similar manner from the lake surface, but in this instance from 4m above the lake surface. Viewing points were identified 0.5km, 1km, 1.5km and 2km from the lake edge but their distribution along the shoreline is not identified. The information gathered in this manner was then used to map areas of high, moderate and low visibility. The ODP structure plan for the zone strongly reflects this analysis, development areas coinciding with areas of moderate or low assessed visibility.
- 3.6** The height of the viewing points (above the height from which they would ordinarily be viewed) adds a small level of conservatism to the analysis. In my opinion, however, the failure to consider any views to the site from the north west, but only from the lake surface is a significant limitation. Anything further away than 2km was considered to be too distant to have an effect. Existing development within the zone is quite apparent from much further afield, from Fernhill for example, at a distance of approximately 8km. As the zone provides the foreground of the Remarkables in these views I consider that development within the zone does have an adverse effect on the resulting visual amenity.
- 3.7** While individual elements (features of dwellings for example) may become indiscernible at distance, what does become evident is the disruption of existing patterns and the creation of new ones. Emerald putting greens can be seen amongst the brownish-greens of the indigenous scrub and grasses. Dwellings are visible. Lights shine at night, where once the darkness of the Remarkables massif loomed undisturbed.
- 3.8** By way of example, on behalf of the Council I undertook a landscape and visual effects assessment of an application to establish a lodge building within the Lodge Activity Area of Jacks Point zone (RM110465). I determined that the building would be visible from the following locations:
- (a) the Glenorchy Road west of Wilson Bay intermittently to the One Mile roundabout; Matakauri Lodge; Sunshine Bay beach and residential area;

- (b) the Fernhill residential area; One Mile roundabout and western portions of Saint Omers Park; Thompson St residential area; Queenstown Hill residential area; Kelvin Heights golf course; some residences on the south side of Kelvin Heights; the Kelvin Heights to Jacks Point Lakeside trail; intermittently from Remarkables Lodge along State Highway 6 (SH6) to Lakeside Estates; dwellings in Lakeside Estates; Jardine land but not dwellings; the Remarkables ski field road;
- (c) from the surface of the lake; and
- (d) from public trails and roadways used by the public within the Jacks Point zone.

3.9 In comparison, the Coneburn Study visibility analysis identifies the area in which this (admittedly large building) is to be located as 'NV – Lake, NV – SH6' and 'NV-Lake – LV-SH6. That is, 'Cannot be seen from specified viewpoints' and 'Intermittently or not readily visible'. I also note for completeness that visibility does not automatically equate with an adverse effect.

3.10 The Coneburn Study location of viewing points 300m apart along State Highway 6 is problematic in my opinion. Travelling at 100km/hr this represents views taken at approximately 10 second intervals whereas the human experience is continuous. Viewing points on the lake's surface are not identified, except in relation to their distance from the shore. This is also problematic in that it means that the study is not replicable. More distant views, from Queenstown in particular, are not considered at all.

3.11 I note that the 2015 update to the Coneburn Study includes what purports to be an update of this visibility analysis.³ Apart from alterations to the key I cannot discern any differences from the 2002 version. Given that the track from Kelvin Heights to Jacks Point has been opened in the intervening time providing easy access to the public land along the lake margin, it seems a significant failing in my opinion that the analysis was not extended to include views from this track.

3.12 Of course, the zone exists and the actual and anticipated development forms the existing environment. My point is simply that the Visibility Analysis within the Coneburn Study and the activity area boundaries which were based upon

³ <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan-Changes/44/Submitters-and-Consultant-Planner-Evidence/2b.-Henley-Downs-entities-Richard-Tyler-Appendices-UPDATED.pdf>

that analysis, should not in my view be considered as definitive. The development of the Jacks Point zone has, and will continue to have, a much greater impact on the landscape of its vicinity than a reading of the Coneburn Study, or the resulting ODP rules, would suggest. This landscape constitutes a spectacular part of the broader context of Queenstown and as such is an important asset to both the zone and the broader community. Consequently, in my opinion, the effects of further changes to the zone need to be considered carefully. This is the case in particular with regard to the ongoing management of Peninsula Hill, Jacks Point hill and the highway margins.

- 3.13** As a consequence of these considerations two overarching issues have structured my approach to the consideration of the PDP provisions and submissions on them. These are the management of the landscape context of the development areas of the zone, specifically Peninsula Hill and Jacks Point hill, and the effects of the visibility of the development within the zone.
- 3.14** The landscape setting of the Jacks Point zone is one of its most important attributes. The Jacks Point website describes this landscape as 'one of the most spectacular landscapes in the world'.⁴ Consequently I consider it important that the development within the Jacks Point zone does not degrade its landscape surroundings. This is particularly important in relation to the landscape features of Jacks Point hill and Peninsula Hill. Both have been assessed as being part of Outstanding Natural Landscapes warranting protection under s6(b) of the Resource Management Act 1991 (**RMA**), and are identified as such in the PDP. They contribute a great deal to the visual amenity of residents and visitors to both Jacks Point and Queenstown, and contribute much to the character of both as well. This leads to the principle that the management of these features should be focused on maintaining their landscape quality and, with regard to the areas so identified, consistent with the management of other such ONLs within the District.
- 3.15** Development, both existing and anticipated, within the zone is, and will be, much more visible than the Coneburn Study suggests. This is evident to anyone who travels along State Highway 6 and has occurred despite the existence of Policy 3.10 of the ODP which directs that residential development should not be readily visible from that highway. This means that the focus needs to change from one concerned with maintaining some sort of rural character for the entrance to Queenstown, to one of managing the views from

4 <https://www.jackspoint.com/#welcome> Downloaded 25th November 2016.

the road across the zone to Peninsula Hill, Jacks Point hill and beyond to Cecil Peak and the Bayonet peaks.

- 3.16** There are locations where it is likely views of non-residential development (within the Jacks Point village) will be possible. I consider that it is important to ensure that development is not allowed to capture the attention of the viewer or otherwise detract from the expansive views of the more distant landscape features. This also means that the focus needs to change from being particularly concerned about the visibility of residential development, to the visibility of all development, recognising that visibility is not in and of itself an adverse effect.

4. STRUCTURE PLAN - INTRODUCTION

- 4.1** Chapter 41 includes a Structure Plan at Rule 41.7. The structure plan includes a number of Activity Areas, which I address where relevant to my expertise. A number of submissions were received that seek amendments to the notified Structure Plan, and general submissions which seek the retention of the ODP Structure Plan and provisions (ie, Section 12 of the ODP) for the Jacks Point portion of the Jacks Point Zone (**general ODP submission**)⁵ and retention of the ODP Structure Plan and provisions zone wide (Tim and Paula Williams (601) and Clive and Sally Geddes (540)).

- 4.2** My evidence therefore considers the appropriateness of the notified PDP provisions and Structure Plan, in that context with the scope being, as I understand it, reversion to the ODP, acceptance of the PDP Structure Plan (with or without the further amendments sought by submissions), or some version in between the two. I also refer to specific submissions points where applicable.

ODP Structure Plan

- 4.3** The ODP structure plan identifies fourteen activity areas. Of these, the F activity area, which is identified for recreation activities, overlays in its entirety the G activity area (the Golf Course and Open Space). An S activity area,

5 # 131, 185, 207, 246, 259, 284, 316, 342, 540, 547, 576, 582, 601, 645, 647, 735, 787, 802.

Resort Services, is identified in the text relating to the Structure Plan⁶ but no area is identified on any of the Structure Plan maps.⁷

- 4.4** A subset of the R Residential activities area, SH (State Highway) is identified on the ODP Structure Plan map for the Jacks Point portion of the zone but no definition of this area is provided in the text relating to the structure plan.⁸ Section 12.2.3.3 of the ODP identifies that subdivision of these areas is a discretionary activity with *'Council's discretion limited to the cumulative effect of subdivision and development on landscape and amenity values, particularly as viewed from State Highway 6'*.⁹

PDP Structure Plan

- 4.5** The PDP Structure Plan for the zone establishes a total of seventeen activity areas. Many of these are identical, or nearly identical, in their definition and spatial extent to those of the ODP. The status of various activities provided for within these areas is altered, however, and I will consider the issue of activity status below, focusing on the nature and extent of the proposed activity areas first.

- 4.6** Areas which are the same spatially between the ODP and PDP versions of the structure plans are:

- (a) Lodge Activity Area (L);
- (b) Homesite Activity Areas (HS);
- (c) Open Space Horticultural (OSH);
- (d) Open Space Foreshore (OSF);
- (e) Open Space Residential (OSR);
- (f) Farm Buildings and Craft Activity Area (FBA); and
- (g) Boating Facilities Area (BFA).

- 4.7** In addition, the Village area within the Homestead Bay portion of the zone remains spatially the same.

6 ODP 12.2.5.1i(f) P12-16
7 ODP Pp12-26 – 12-28
8 ODP 12.2.5.1(a) P12-16
9 ODP 12.2.3.3 P12-12

4.8 New areas within the PDP structure plan are:

- (a) Residential State Highway (R(SH));
- (b) Education Precinct (E);
- (c) Education Innovation Campus (EIC);
- (d) Open Space Golf (OSG);
- (e) Open Space Landscape (OSL);
- (f) Open Space Residential Amenity (OSA);
- (g) Farm Preserve (FP); and
- (h) Wetland (W).

4.9 In addition there have been small spatial alterations to the following activity areas:

- (a) Village (Jacks Point) (V(JP)); and
- (b) Residential Jacks Point (R(JP)-1, R(JP)-2 and R(JP-SH)-4).

4.10 The Village area of Hanley Downs has been deleted.

4.11 The following discussion is complemented by the plan attached as **Appendix 1**, which overlays the PDP and ODP Structure Plans and helps to explain the areas outlined below. It should be noted that the spatial Structure Plan within the ODP contains areas not defined by the Site Standards, but modified by other rules. The PDP has tried to address this inconsistency, but still distinguishes between Residential (Jacks Point) and Residential (Hanley Downs) even though the rule framework provided does not.

5. STRUCTURE PLAN - VILLAGE

5.1 The Village Activity Area of the Jacks Point portion of the zone has been expanded slightly with its northern boundary moved to the edge of the unnamed road which separates this activity area from the adjacent R(HD)-E activity area, and the western boundary expanded to the edge of the lots which edge Lake Tewa. These slight changes have increased the overall area by 3.63ha.

5.2 It is my opinion that these alterations are inconsequential in effect from a landscape and visual amenity perspective. They are simply logical and reflect

what has been anticipated in this area in documents such as the 'Jacks Point Village: Building Design Guidelines 2008' approved under RM080410. The deletion of the ODP Village Activity Area within the Hanley Downs portion of the zone would not have any landscape effects.

6. STRUCTURE PLAN - RESIDENTIAL (STATE HIGHWAY)

- 6.1** The R(SH) activity area as it relates to the Jacks Point portion of the zone is carried over from the spatial structure plan of the ODP but the inclusion of the activity area as a listed activity in Rule 41.4.9.2 is new. Two new areas are included within the Hanley Downs portion of the zone, R(HD-SH)-1 and R(HD-SH)-2.
- 6.2** Under the ODP the discretionary activity subdivision provision allowed Council to specifically consider the 'cumulative effect of subdivision and development on landscape and amenity values, particularly as viewed from State Highway 6'.¹⁰ The inclusion of the R(SH) activity area in Rule 41.4.9.2, restricts activities to residential activities and the mitigation of development from the highway.
- 6.3** It is the case that the four pods which were identified as R(SH) within the Jacks Point part of the zone in the spatial Structure Plan of the ODP have been subdivided. Consequently, from the perspective of managing views of the development from the State Highway, I consider that Rule 41.4.9.2 is appropriate.
- 6.4** R(JP-SH)-4 has been increased in area (from the ODP version) from 5.7ha to 6.36ha. It is my understanding that this is so as to include an existing extension of the residential development area which was consented by RM130669. The effects of this extension were assessed at the time and additional planting and mounding undertaken to mitigate the potential effects of this development on views from the State Highway. As such it seems appropriate that the PDP Structure Plan be updated to reflect this.
- 6.5** The two new R(HD-SH) areas are located to the north of the R(JP-SH)-4 pod. The PDP Structure Plan identifies an area of open space between these areas and the State Highway corridor, and includes a wiggly line adjacent to the

¹⁰ ODP 12.2.3.3. This is the means by which the ODP distinguishes the SH portions of the R activity area from the other portions.

Hanley Downs state highway residential areas which is identified in the key as 'State Highway Mitigation'. I can find no rules in the PDP which define what is anticipated in terms of this mitigation, except in relation to the proposed EIC area¹¹ which I discuss below. This appears to be an oversight, however, while the visibility of unscreened development in the Hanley Downs area would be undesirable, as the land level lowers (it drops approximately 60m between Remarkables Lodge and Woolshed Road) the degree to which visible development would detract from the surrounding landscape would diminish.

- 6.6** That aside, I do consider that the two new R(HD-SH) activity areas are in a moderately sensitive location close to the State Highway and are in an area where there are no natural landforms to separate development from the road corridor. Consequently I consider that retaining the discretionary status of subdivision within these areas, or at least within 75m of the State Highway, should remain with discretion restricted to the cumulative effects of development on landscape and amenity values, particularly as viewed from State Highway 6.

7. STRUCTURE PLAN - RESIDENTIAL

- 7.1** R(JP)-1 has been expanded by 0.76ha to its east over what was a part of the Open Space activity area in the ODP Structure Plan. It is my understanding that this is so as to include seven additional lots that were created by resource consent RM090252. The effects of this extension to the residential area were assessed at the time. Extending the activity area to incorporate these lots therefore seems appropriate.
- 7.2** R(JP)-2 has been expanded by 0.84ha. This appears to entail moving the western boundary of the activity area further west so that it coincides with Woolshed Bay Road. Currently the owners of the lots to the east have an open buffer between them and this road, and more significantly, between them and the anticipated development to its west within the Hanley Downs portion of the zone. While development in this part of the zone will diminish the naturalness of their outlook significantly, the development of this land adjacent to the road, which would be facilitated by this change in activity area, would bring development much closer to them.

11 PDP 41.4.7.1 P41-9

- 7.3** I consider that this would have a significant impact on their amenity and that the western boundary of this residential activity area should remain where it currently is. I appreciate that this will result in an area of open space land approximately 35m wide at its widest point between the residential activity areas and Woolshed Road, but consider this appropriate from a landscape perspective in order to maintain the anticipated level of amenity of the existing residents.
- 7.4** Within the Hanley Downs portion of the zone the pods of development anticipated in the ODP Structure Plan have been replaced with R(HD) activity areas similar in area to those promoted during the course of the Plan Change 44 hearing. I consider that areas R(HD) A to E would not have any significant adverse effects on either the internal amenity of the zone or on views across or into the zone.
- 7.5** I consider that Activity Area R(HD)-F extends too far to the west and that residential development within this area should be limited to areas outside of the ONL as identified on PDP Planning Map 13. This is illustrated within the revised Structure Plan included in **Appendix 1** to Ms Jones's s42A Report (ie, her recommended chapter).
- 7.6** It is my opinion that Activity Area R(HD)-G could potentially absorb eight dwellings in its lower reaches with appropriate controls such as the creation of further Homesites. What is permissible under the notified Structure Plan / chapter is potentially much more dense development (between 7 and 22 dwellings). This in my view would have adverse effects on the amenity of existing residents of Jacks Point.
- 7.7** I consider that the merging of areas R(HD)-F and R(HD)-G and the identification of Homesites within the combined area in a similar manner to that undertaken to the west (ie, as for the Preserve Homesites (**HS**)) would be an ideal method to manage the landscape of these areas while enabling some limited development. The location of the Homesites, and their number, would have to be determined by some process that focused on the landscape effects of future development on the sites.

8. STRUCTURE PLAN - OPEN SPACE RESIDENTIAL AMENITY

- 8.1** The Open Space Residential Amenity (**OSA**) on the PDP Structure Plan is intended to replace the Open Space, Landscaping and Passive Recreation Activity Area (the O/P) of the ODP Hanley Downs Structure Plan, and a proportion of the G/F Activity Area of the Jacks Point development. In both cases these areas are the open spaces required between pods of residential development. An additional new area of OSA is identified on the PDP Structure Plan within the G/F area of the ODP, adjacent to the notified Education campus and to Maori Jack Road.
- 8.2** The O/P activity area of the ODP restricts the use of the activity area to outdoor recreation activities and open space. The OSA of the PDP restricts activities to 'recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services'.¹² While more specific than the ODP provisions, in my view these uses all seem compatible and unlikely to adversely affect either internal amenity or views from the State Highway in any manner which has not already been considered in the establishment of the ODP zone.
- 8.3** The new area of OSA adjacent to Maori Jack Road within the current G/F area appears to encompass a lot (Lot 13 DP 364700) owned by the Council and which is the location of a playground, tennis courts and other recreational facilities. This piece of land is readily visible from State Highway 6 and will form a foreground to the Village, the Lodge development, and possibly the E Activity Area, in those views. In my opinion the application of the OSA on this land would not have any significant effects on the appreciation of the broader landscape.
- 8.4** The areas of OSA within the Hanley Downs portion of the PDP Structure Plan have been significantly diminished from the O/P and O/S areas defined within the ODP Structure Plan, although they remain similar to those proposed within Plan Change 44. I do not consider that this creates any particular issues from a landscape perspective, simply that it confirms a different character within the Hanley Downs portion of the zone which entails more dense residential development.

12 PDP 14.4.9.12 P41-11

- 8.5** Indicative open space is also included within the Hanley Downs portion of the PDP Structure Plan, but these areas do not appear to have any defining purpose or activity area established within the PDP. Rule 41.5.3.3 requires their exact location and parameters be determined by subdivision and precludes any buildings being located within these areas once created, but this is the only reference to these areas.
- 8.6** I consider that this regime is too ill defined to provide confidence that usable public open space will be produced in the identified locations. The areas of indicative open space within the urban parts of Hanley Downs largely follow water courses. It is my opinion that these areas should be defined within the PDP Structure Plan and that they should be a part of the OSA network.

9. STRUCTURE PLAN - EDUCATION PRECINCT

- 9.1** The PDP Education Activity Area is located adjacent to the Jacks Point Village Activity Area in an area identified as G/F in the ODP Structure Plan. The site is entirely on the valley floor. Views to this vicinity from the State Highway are possible. Anticipated development within the southern part of the village is likely to be visible from the State Highway as will the Lodge and other accommodation buildings on Jacks Point hill. Dwellings constructed at the southern side of R(JP)-1 are visible from the highway and generally it is the case that development within the zone is much more visible from the State Highway than a reading of the ODP suggests was anticipated.
- 9.2** In my opinion development within the E Activity Area would appear as a part of the Jacks Point village and, in my opinion, the additional effects of this would not necessarily be adverse. It is my opinion that some consideration needs to be given to the effects of the visibility of buildings and other development from the State Highway on the appreciation of the broader landscape.
- 9.3** In terms of internal amenity, the development of the E Activity Area would reduce the open space of the valley floor. This currently contributes to the visual amenity of elevated residences to the east. The E area comprises approximately 5ha (for comparison the Queenstown Primary School occupies a site of approximately 3.7ha). Given its proposed uses it is likely much of this area will remain open space (as playing fields etc). Also, its immediate proximity to the village centre means that the presence of buildings in this

location would not appear unexpected. Consequently it is my opinion that the development of this area would not result in any significant loss of internal amenity to the residents of Jacks Point.

10. STRUCTURE PLAN - OPEN SPACE GOLF

10.1 The PDP Open Space Golf Activity Area replaces the ODP G area and a part of the G/F area. It has a narrower focus, being entirely for the provision of golf courses, but this is reflective of the actual use of the area on the ground. I do not consider this to be problematic in and of itself. Two large areas of the ODP Golf Activity Area, not currently occupied by golf course, have been removed from this activity area in the PDP structure plan. As they are to become new Open Space Landscape Protection/Farming Activity Areas on the PDP Structure Plan, I will discuss them below.

11. STRUCTURE PLAN - OPEN SPACE LANDSCAPE

11.1 The Open Space Landscape Protection/Farming (**OSL**) Activity Area on the PDP Structure Plan replace the ODP G and G/F areas. It is to be imposed on three main areas of the zone:

- (a) on the valley floor to the north of Hanley Downs;
- (b) between the areas of residential development and the State Highway;
and
- (c) on Jacks Point hill.

11.2 Under the ODP the use of these areas is restricted to outdoor recreation activities and open space. Under the PDP the OSL allows for a considerably wider range of activities including farming, farm buildings, fencing, trail formation, mining, farm access tracks and recreation activities.

11.3 While I consider farming, understood as stock grazing and possibly cropping, to be entirely appropriate on the northern and eastern parts of this OSL, I consider them to be inappropriate on Jacks Point hill. This prominent landmark is the location of extensive areas of regenerating indigenous vegetation and the maintenance and continuing spread of this is not compatible with grazing. The hill is not effectively fenced and fencing much of it would require benching which would have a significant adverse effect on its landscape quality.

11.4 Similarly, while the construction of farm buildings in many parts of the open areas surrounding the Jacks Point township would be appropriate, the construction of farm buildings on Jacks Point hill would not. Farm buildings are generally located close to roads, on relatively level ground and at centres of access networks. The construction of farm buildings on Jacks Point hill would not comply with any of these characteristics and would, as a consequence, appear out of place.

11.5 Similarly, mining on the hill and the construction of further farm tracks would potentially have very significant adverse effects on the landscape experienced from both within Jacks Point and from outside of the zone. It is my opinion that the activity area should be amended as follows (underlining indicates my recommended amendments and strikethrough text indicates my recommended deletions):

41.4.9.11 Open Space Landscape – State Highway (OSL(SH)) – activities in this area are limited~~ing~~ to farming, together with farm buildings, fencing, trail formation, ~~mining~~, farm access tracks, indigenous revegetation and recreation activities.

41.4.9.12 Open Space Landscape – Jacks Point (OSL (JP)) – activities in this area are limited to trail formation, recreation activities, and indigenous revegetation.

11.6 I do note that large areas of this activity zone have landscape overlays which further restrict activities. I discuss them below.

11.7 RCL Queenstown Pty Ltd, RCL Henley Downs Ltd and RCL Jacks (RCL)¹³ have requested that the area of OSL which encompasses the notified OSA and which is adjacent to Maori Jack Road become a new activity area. They have called this the Open Space Community and Recreation Activity Area (**OSCR**) and they propose adding a new Rule 41.4.9.18 as follows:

41.4.9.18 Open Space Community and Recreation (OSCR) – the use of this area is restricted to recreation amenities (including commercial recreation), playgrounds, landscaping, pedestrian and cycle trails, lighting, community activities, farming, stormwater retention and underground services.

11.8 This is a hybrid of the notified OSL and the OSA with the addition of commercial recreation.

11.9 The location of this proposed new activity area is within a shallow valley which descends from the Remarkables to the east across State Highway 6 and down to the valley floor. Consequently views of the entire area are possible from the highway. It is on the southern edge of the zone and is adjacent to the NZone Skydiving operation. In and of itself this new activity area does not appear problematic, with commercial recreation being the only new activity for the area.

11.10 In addition to the creation of this new activity area, Submitter 632 seeks that the construction of buildings within that area should have restricted discretionary status, by adding a new Rule 41.4.3.6 as follows:

41.4.3.6 Within the Open Space Community and Recreation Activity Area, any building.

Discretion is limited to:

- The location and external appearance of buildings with respect of the visual and landscape values of the area.
- Hazard avoidance and mitigation measures.
- Effects on safety and health arising from nearby activities; infrastructure and servicing.
- Associated earthworks and landscaping.
- Access and parking.
- Bulk and location
- Exterior lighting.

11.11 In addition the submitter seeks a further new Rule 41.5.15.4 as follows:

41.5.15.4 Within the Open Space Community and Recreation Activity Area the maximum site coverage shall be 10%.

Discretion is restricted to effects on landscape and visual amenity values.

- 11.12** Further, the submitter seeks a new Rule to follow after notified Rule 41.5.12.2 as follows:

41.5.12.2 The maximum height of buildings in the Open Space Community and Recreation Activity Area (OSCR) shall be 10m. Discretion shall be limited to effects on landscape and visual amenity values and safety.

- 11.13** In summary these new rules may enable a very different built outcome to that enabled by the ODP (and as sought by the general ODP Submission to be retained), which allows buildings related to recreational purposes as a controlled activity up to 4m in height.

- 11.14** The proposed OSCR encompasses an area of approximately 29ha. Even a site coverage of 10% would potentially allow for very large buildings within this area (or a large number of small ones). These buildings would be readily visible from the State Highway. From this location they would appear within the foreground of the southern end of the village development and of development within the Lodge Activity Area on Jacks Point hill.

- 11.15** I consider that development of this kind, if well executed, would alter the views from the State Highway but would not necessarily have an adverse effect on the quality of the views. The proposed controls are, in my opinion, adequate to ensure adequate direction is given to decision makers by the policies of the zone. As well as views from the State Highway being altered, however, this area is overlooked by the most southern of the Jacks Point residential areas (R(JP)-1 and R(JP-SH)-1). I consider that this would have an adverse effect on the amenity of these residents, and that it would diminish the quality of views from these dwellings, and their anticipated amenity.

- 11.16** In addition, submitter 632 seeks the following amendment to Rule 41.5.5.1:

41.5.5.1 Buildings of structures shall be set back a minimum of 20m from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area and the Open Space Community and Recreation (OSCR)

11.17 While it is logical that there be no set back in the Boating Facilities Activity Area (as boatsheds and jetties must be at the lake edge) I can see no logical reason why activities in the proposed OSCR should be exempt from the requirement of meeting a zone set back. It is entirely possible in these terms that a potentially large and 10m high building could be built right against the boundary with the neighbour if this rule was accepted. It is the northern boundary of the neighbouring property which has an airstrip running along it and development immediately adjacent to this boundary has significant potential to cause adverse effects on this property.

12. STRUCTURE PLAN - EDUCATION INNOVATION CAMPUS

12.1 The PDP Structure Plan includes an Education Innovation Campus (**EIC**) Activity Area. As well as the general ODP Submission, inclusion of the EIC in the notified chapter and structure plan is opposed by submitters Schrantz (195) and Scope Resources (342). I note the EIC was declined in the Plan Change 44 decision.

12.2 Under Rule 41.5.12.2, the maximum height of buildings in the EIC is 10m and a breach results in non-complying activity status. Further to that, under Rule 41.5.12.5, for any commercial activity located within the EIC and consented under Rule 41.4.7, the maximum building height is 15m and a breach results in non-complying activity status. Rule 41.5.15.2 provides that buildings in the EIC shall not exceed a maximum coverage of 50%, and a breach results in restricted discretionary activity status.

12.3 This activity area as notified is located to the north of the Hanley Downs portion of the zone. My evidence on Plan Change 44 on this point was that the proposal seemed to lack internal consistency and the ability to achieve its stated goals (although I note that in Plan Change 44, much higher building coverage was allowed and therefore the provisions being considered are not identical).

12.4 I remain of the opinion that development within the EIC in accordance with the rule framework of the PDP would have a moderately insignificant adverse effect on the character of the landscape. It would appear somewhat surprising in the context of its rural foreground to persons viewing it from the north on State Highway 6, but would not detract significantly from important views

across the valley floor to Bayonet Peaks. It would likely be unnoticed by persons travelling north as it would be largely behind them once the intervening landforms were passed.

12.5 Vivo Capital (789) wishes to extend development further north still, establishing a further Village Activity Area to the north of the EIC into the area currently part of activity area OSL, and to enable residential development of the rest of their site located outside of the ONL and within the Urban Growth Boundary as shown on the PDP Planning Maps.

12.6 It is my opinion, which has developed over recent years, that this valley floor between Hanley Downs and the Kawarau River is an ideal location for urban development should Queenstown require this level of urban expansion. It is relatively level, lies well to the sun, and relatively intensive urban development would not, in my opinion, detract from the landscapes of either Peninsula Hill or the Remarkables range; both of which utterly dominate the landscape in this location. It would, potentially, connect Jacks Point / Hanley Downs with Kelvin Heights and with Frankton both in a perceptual sense and potentially in a literal sense.

12.7 In terms of the edge of Queenstown, and as discussed above, despite the ODP provisions regarding the visibility of development within Jacks Point from the State Highway, residential development is visible from the road and it indicates that one is approaching an urban area. That having been said, the views across Jacks Point zone to the mountains beyond the lake, with Jacks Point hill and Peninsula Hill in the mid-ground, are really important to the appreciation of the landscape context of Queenstown. It has also established a particular character and quality for the zone. It does mean, however, that once the existing zone is passed when travelling north the importance of not being able to see (much) residential development wanes.

12.8 The main foci of views then are Peninsula Hill, the Remarkables, and north to Ferry Hill and Coronet Peak with the urban development of Frankton and Remarkables Park clearly visible in the mid-ground. Maintaining an open foreground to these views is, in my opinion, not necessary to the appreciation of these awesome¹⁴ landscape features.

14 This is a technical term relating to the sublime landscape aesthetic, and I am not using it in the vernacular sense.

- 12.9** Having said this, I consider that some sort of setback and edge treatment along the State Highway corridor would be required. This would be necessary to mitigate noise effects on the residences closest to the road. Further it would ensure that there was a transition between the character of the Jacks Point and Hanley Downs parts of the zone, and more dense and ordinary development on the Coneburn Valley Floor.
- 12.10** Consequently, it is my opinion that in principle urban development of the Vivo Capital land outside of the ONL is acceptable from a landscape perspective.
- 12.11** The potential uses of Village areas set out in Rule 41.4.9.3 are wide ranging. Buildings are limited to 10m in height (Rule 41.5.12.2 a). My opinion of the Vivo Capital proposal to establish a further village centre on their property is similar to that of the EIC. From a character perspective the presence of a village centre adjacent to the EIC would appear somewhat odd unless it became the focus of further residential development. It would not necessarily detract significantly from views to Bayonet Peaks or Peninsula Hill for persons travelling south, and it is unlikely that it would be particularly noticeable for persons travelling north. If residential development were pursued in this area then the proposed location of a village centre in this location would be appropriate from a landscape perspective.
- 12.12** The lack of detail in the Vivo submission, however, means that I am unable to simply support the establishment of a residential activity area over their entire site outside the ONL (less the proposed Village and EIC activity areas) at this time. It would first be necessary to have a spatial plan of the area with indicative roading, residential areas and defined open space. The OSR should occupy the highway margin and the lower areas of Peninsula Hill, which are within the ONL.

13. STRUCTURE PLAN - WETLAND

- 13.1** Wetland is a new activity area within the PDP Structure Plan, in which structures are to be 'restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values'.¹⁵ Rule 41.5.19 specifies that any development including landscaping and earthworks within

¹⁵ PDP Rule 41.4.9.9

7m of a wetland area is a non-complying activity. This rule is similar to Rule 12.2.3.5(ix) of the ODP.

13.2 There are clearly competing issues when one considers wetlands. On the one hand they require protection from inappropriate activities both within them and on their margins so as to maintain water quality and ecological health. On the other hand, they are a landscape feature of increasing value which people want to experience and appreciate. In my opinion these two rules in combination adequately balance these concerns.

14. STRUCTURE PLAN - LODGE ACTIVITY AREA

14.1 The Lodge Activity Area comprises two areas of land in elevated locations on Jacks Point hill. The smaller of the two is roughly triangular in shape and is located in a hollow open to the east and separated from the western escarpment dropping to the lake by hummocky terrain. The larger of the two drapes over the northern face of the hill, being located, at its highest point, on a shelf to the north of the summit. It is a long and relatively narrow strip of land which extends down slope to both east and west. I have discussed the extent of visibility of the consented (but not constructed) lodge building above.

14.2 Jacks Point hill to the immediate south and west of the Lodge Activity Area has been determined to be part of the ONL of the Wakatipu Basin (refer to planning map 13 of the PDP). While this is not a matter for this hearing, I concur with this categorisation. The landform is highly expressive of its glacial origins. Its vegetative cover is a mix of exotic and indigenous grasses with extensive areas of regenerating indigenous vegetation. This gives the hill a high level of natural character. It is a part of the foreground of the Remarkables Range and its steep lake-ward slopes relate strongly to the lake itself. It has high aesthetic quality.

14.3 While the construction of the consented buildings, or alternatives, as anticipated on the hill within the Lodge Activity Area will reduce the natural character of the hill as a whole and will detract from the quality of the ONL, under the current planning framework of the ODP this will not be to such a degree that the landscape quality is compromised. It does, however, remain a sensitive landscape feature.

- 14.4** Buildings in the Lodge Activity Area are currently restricted discretionary activities under the ODP¹⁶ (12.2.3.4(b)), with Council's discretion limited to:
- (a) the external appearance of buildings with respect to the effect on visual and landscape values of the area;
 - (b) infrastructure and servicing;
 - (c) associated earthworks and landscaping;
 - (d) access and parking;
 - (e) bulk and location;
 - (f) exterior lighting; and
 - (g) compliance with any relevant Council approved development controls and design guidelines.
- 14.5** Under the PDP buildings in this activity area would be a controlled activity only,¹⁷ with matters of control being essentially the same as the matters of discretion listed above. I consider that allowing development as a controlled activity within this activity area would risk significant adverse impacts upon this important feature. I believe that Council requires more 'teeth' than controlled activity status would provide (ie, retaining the ability to decline a consent application), and consequently consider that the activity status of development in this activity area should remain restricted discretionary as in the ODP.
- 14.6** Tennis courts and pools in the Tablelands and Lodge Activity Area are controlled activities in the PDP (compared to restricted discretionary and non-complying in the ODP, respectively). I note that the Tablelands overlay needs to be reinstated on the PDP Structure Plan, to trigger the rules applying the overlay. The overlay applies to the Homesites and Wetland Activity Areas, and the key could be clearer regarding this approach.
- 14.7** The issues, from a landscape perspective, of both of these facilities are similar and predominantly result from the horizontal planes they create in the landscape; the colour of the surface (tennis court) or lining (pool) and surrounding paving and whether or not that might have an effect on visual amenity; and the need of both of these facilities for fencing.
- 14.8** Tennis Australia gives the dimensions of a tennis court to be 34.74m by 17.07m and states that an additional 5.48m is needed inside a fence at each

16 ODP 12.4

17 PDP Rule 41.4.3.

end, and 3.05m at each side.¹⁸ Thus a tennis court and surrounding runoffs require an area 45.7m long and 23.17m wide, or 1059m².

- 14.9** The notified rules would allow a tennis court to be constructed within the smaller Lodge Activity Area as a controlled activity. Consent currently exists for a car parking building with a footprint of 2678m² in this location. This activity area is located within a hollow and as a consequence of that and the design of the building it was determined that it would sit into the landscape and be relatively subtle.¹⁹ Based on this assessment I consider that a tennis court (possibly two) could likely be located within this activity area. As it is a sensitive location, however, I consider that making it a controlled (rather than permitted) activity is appropriate to enable Council to ensure that adverse effects on the landscape would not occur.
- 14.10** The larger Lodge Activity Area is elevated and prominent in views from within Jacks Point, from SH 6, from the lakeside track and, in part, from the lake and much of Queenstown township. Under the ODP the construction of tennis courts in this area is a non-complying activity. I consider that this is appropriate and should continue to be the case under the PDP.
- 14.11** Swimming pools within the Lodge Activity Area are a controlled activity. The construction of swimming pools requires earthworks, which result in the creation of a horizontal plane within the landscape which can have an adverse effect on landscape character and quality and on visual amenity. In the Lodge Activity Area it is possible that such a structure could be visible from an extensive catchment. With regard to colour, bright pool linings can be prominent from elevated viewpoints, but it is unlikely that these are readily available to the public in the case of the Lodge Activity Area. Glass pool fencing has the potential to cause glare, but this can potentially be mitigated by planting.
- 14.12** The matters of control provided by Rule 41.4.4.1 are very general, and do not provide indications as to what would be acceptable or not acceptable. I would recommend that they be amended to provide more direction to applicants as follows:

18 <http://www.tennis.com.au/wp-content/uploads/2012/04/Court-and-Enclosure-Dimensions-2012.pdf> downloaded 23rd November 2016.

19 Read M. Landscape Assessment: RM110465; 7 November 2011.

Control is reserved to all of the following:

- Associated Earthworks and landscaping: earthworks shall be so designed as to minimise the visual effects of the structure on the landscape. Landscaping shall be used to mitigate any residual adverse effects.
- Colour: tennis court surfaces shall be either dark green or grey.
- Fencing: tennis court fencing shall be chain mesh or similar and dark grey in colour.
- Glass pool fencing shall be located so as to avoid creating glare.

14.13 Wild Grass Partnership, Wild Grass Investments No 1 Ltd and Horizons Investment Trust (567) (**Wild Grass**) seek amendments to the PDP Structure Plan and provisions to expand the Lodge Activity Area over the OSL Activity Area and make the provisions more permissive. There are three areas into which Wild Grass seeks to expand the zone.

14.14 Under the ODP these areas are located in the Golf Course and Open Space Activity Area (G), with either the Tablelands overlay or the Lake Shore Landscape Protection Area, and in the G/F Activity Area. The use of this area is restricted to outdoor recreation activities and open space. Under the PDP these areas become Open Space Landscape which limits activities to farming together with farm buildings, fencing, trail formation, mining, farm access tracks and recreation activities,²⁰ or Open Space Golf. I have discussed my opinion of the OSL Activity Area above.

14.15 The first of these proposed extensions to the activity area is located at the eastern most extent of the lot which contains the Lodge Activity Area (Lot 2 DP 447241), at the north eastern base of Jacks Point hill adjacent to Lodge Drive. They propose that this area be identified for vehicle parking. The land here is flattish and appears wet. The area proposed for re-categorisation is 1.8ha in area and follows the lot boundaries along its eastern and north eastern sides. Its south western boundary appears to be slightly elevated. The submitter opines that this area could be managed by slightly amending Rule 41.4.3.1, which controls buildings within the Lodge Activity Area. They do not propose an amendment, however.

14.16 In my opinion the area is entirely appropriate for some sort of vehicle parking with the proviso that appropriate rules are developed to manage this. It is low lying and is obscured from view from State Highway 6 by intervening vegetation. It has the potential to allow for mitigation (mainly mounding) which

²⁰ PDP Rule 41.4.9.11.

would appear entirely in keeping with other constructed mounding in the vicinity.

14.17 As noted above, the land in this area appears wet and low lying and consequently I anticipate that significant fill deposition would need to occur in order to construct vehicle parking areas. I consider that a setback of 10m from the boundaries of the activity area would be required in order to ensure that suitable mitigation could be constructed and / or planted. This would also avoid the possibility of built form rising up the slope to the south west and, in this way, becoming more prominent than is desirable.

14.18 The second proposed extension to the Lodge Activity Area is an isolated area of 0.49ha to the west of the existing main Lodge area. This area is located within a steep sided gut between the main massif of Jacks Point and a rounded hillock to its west. The submitters acknowledge that it is located within the ONL. This means that reply Goal 3.2.5, Objective 3.2.5.1 and Policy 3.2.5.1.1, and Objective 6.3.3 and Policies 6.3.3.3 and 6.3.3.5 of the PDP²¹ are relevant to consideration of its suitability for future development and thus, for inclusion within the Lodge Activity Area.

Goal 3.2.5 **Our distinctive landscapes are protected from inappropriate development.**

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

Policy 3.2.5.1.1 **Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps and protect them from the adverse effects of subdivision, and development.**

14.19 The area of Jacks Point in which the proposed extension of the Lodge Activity Area is located has been identified as ONL in the PDP. The proposed extension of the Lodge Activity Area into the ONL in this location would result in extensive earthworks in order to facilitate access and construction. While in a visual sense these could be mitigated by built form, that would, in and of itself, reduce natural character and visual amenity. There is quite extensive

21 Reply of Matthew Paetz dated 7 April 2016 (Strategic Direction Chapter 3), Hearing Stream 1B; Reply of Craig Barr dated 7 April 2016 (Landscape Chapter 6), Hearing Stream 1B.

indigenous scrub in the gully system and it is likely that any development of this area would result in its loss.

- 14.20** Jacks Point is a prominent landform with a very large visual catchment and the inclusion of development in this area would increase the level of modification of this landform to a degree which, in conjunction with the consented Lake Terrace Building, would have a cumulative adverse effect on the visual amenity provided by this ONL. This would not, in my opinion, protect this ONL from the adverse effects of subdivision and development.

Objective 6.3.3 **The Protection, maintenance or enhancement of the District's Outstanding Natural Features and Landscapes (ONF/ONL) from the adverse effects of inappropriate development.**

Policy 6.3.4.1:3.3 **Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.**

- 14.21** The important qualities of the landscape of Jacks Point hill are its ruggedness; its rock outcrops; and its regenerating indigenous vegetation. Together these create a landscape which high natural character and one which has high aesthetic value. The extension of the Lodge Activity Area into this gully system would result in a diminishment of its ruggedness, as the gullies would potentially be filled with buildings; the obscuring of some and the loss of other rock outcrops through the execution of earthworks and the loss of indigenous vegetation. The inclusion of built form within this area would have a cumulative adverse effect on the landscape with the consented development and with alternative development which complied with the Lodge Activity Area controls.

Policy 6.3.4.3:3.5 **Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.**

- 14.22** The proposed Lodge Activity Area extension would have an adverse effect on landscape character, domesticating, through the provision of residential buildings, a part of a rugged and wild ONL. Development within this proposed

area would have moderate adverse effects on visual amenity particularly on members of the public using the lakeside track or the lake surface. Development within this area would have an adverse effect on visual amenity from a wide catchment including much of urban Queenstown and Kelvin Heights. It would degrade the naturalness of the Jacks Point headland and sprawl development towards the lake.

- 14.23** The third proposed extension of the Lodge Activity Area is located up slope from that discussed above, and it is contiguous, at its northern end, with the existing Lodge Activity Area. It occupies a shallow shelf of relatively level ground extending along the western slope of the main Jacks Point summit. It is mainly vegetated with grasses but with some small areas of indigenous scrub. The submitter acknowledges that this area also is within the ONL and within the Lake Shore Landscape Protection Area. The same goals, objectives and policies as above are relevant for assessing the appropriateness of this area for reclassification.

Objective 3.2.5.1: ~~Protection of the natural character quality of the of~~ **Outstanding Natural Features and Landscapes and** ~~Outstanding Natural Features from inappropriate subdivision,~~ **use and development.**

Policy 3.2.5.1.1: **Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps and** ~~protect them from the adverse effects of subdivision, and~~ **development.**

- 14.24** The area of Jacks Point in which the proposed extension of the Lodge Activity Area is located has been identified as ONL in the PDP. The proposed extension of the Lodge Activity Area into this part of the ONL would result in some earthworks in order to facilitate access and construction. While in a visual sense these could be mitigated by built form, the built form would, in and of itself, reduce natural character and visual amenity.

- 14.25** Jacks Point is a prominent landform with a very large visual catchment and this proposed area is in an elevated location on its open slopes where development would be extremely prominent from a wide visual catchment. It would increase the level of modification of this landform to a degree which, in conjunction with the consented Lake Terrace Building or equivalent

development anticipated within the zone, would have a cumulative adverse effect on the visual amenity provided by this ONL. This would not, in my opinion, protect this ONL from the adverse effects of subdivision and development.

~~Objective 6.3.4: Objective – The Protection, maintenance or enhancement of the District's Outstanding Natural Landscapes (ONL).~~

~~Policy 6.3.4.1:3.3~~ **Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.**

14.26 The important qualities of the landscape of Jacks Point are its ruggedness, its rock outcrops, and its regenerating indigenous vegetation. Together these create a landscape with high natural character and one which has high aesthetic value. This landscape is visible from a wide visual catchment including much of Queenstown's urban area and the western portion of Kelvin Heights. The extension of the Lodge Activity Area onto this shelf would result in a diminishment of the ruggedness and naturalness of the hill; the obscuring of some and the loss of other rock outcrops through the execution of earthworks and the loss of indigenous vegetation.

14.27 As with the area previously discussed, the inclusion of built form within this area would have a cumulative effect on the landscape with the consented development and with alternative development which complied with the adjacent Activity Area controls.

~~Policy 6.3.4.3:3.5~~ **Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.**

14.28 The proposed Lodge Activity Area extension would have an adverse effect on landscape character, domesticating it through the provision of residential buildings, and access ways. Development within this proposed area would have significant adverse effects on visual amenity particularly on members of the public using the lakeside track or the lake surface. Development within this area would have an adverse effect on visual amenity from a very wide catchment including much of urban Queenstown and Kelvin Heights. It would

degrade the naturalness of the Jacks Point headland and sprawl development over the hill top.

14.29 Subsequent to this analysis, my earlier analyses undertaken of the resource consent applications for development within the existing Lodge Activity Areas, and my observations on the site I conclude that the eastern extension of the Lodge Activity Area would be appropriate, but that the two extensions proposed at the western side of the site are not.

15. STRUCTURE PLAN - HOMESITES

15.1 The Homesites are small activity areas defined by Rule 41.4.9.7, located within large lots, and identified on the spatial Structure Plan. Development within the larger lot is focused within the Homesite, the larger balance of the sites being maintained by grazing or revegetation or both. In the ODP the larger lots are a part of the G activity area and overlain by the Tablelands landscape management area, and in some locations the Lake Shore Landscape Protection Area. The Homesites are located on the lake-ward side of the ridge. This area has a hummocky topography and is a highly sensitive part of the broader Jacks Point zone and landscape because of its elevation, high natural character and because it slopes towards the lake and is consequently a part of the foreground of views of the Remarkables from Queenstown.

15.2 Under the PDP the construction of dwellings within the Homesites is a permitted activity as opposed to a controlled activity as is currently the case in the ODP. The ODP matters of control are:

- *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.*

- 15.3** It is anticipated in the notified chapter that control over design of buildings and landscaping will be undertaken by the Jacks Point Design Review Board (JPDRB). I have two areas of concern in this regard.
- 15.4** The effects of poor design in this area of the zone could be very significant in terms of the adverse impacts on visual amenity, and on the developing character of the area. Further, the use of inappropriate types of vegetation could have significant adverse effects on landscape character, visual amenity and potentially on the ecology of the area.
- 15.5** Consequently I consider the issues at stake are too important to divorce completely from Council control. I am of the opinion that both the construction of dwellings and the landscaping of the Homesites should remain a controlled activity as in the ODP. This would also protect against the possibility of the JPDRB becoming dysfunctional for any reason.
- 15.6** As noted above the PDP would alter the status of the construction of swimming pools within the Homesites²² to a controlled activity. The main additional issue raised by the construction of swimming pools within the Homesites not discussed above in relation to the Lodge Activity Area, is the proliferation of built form across the landscape. There are no controls within the approved Preserve Design Guidelines as to the construction of pools (or tennis courts) within the homesites or their larger lots, although the management requirements of the larger lots would tend to preclude their development of either.
- 15.7** In my opinion, if the construction of pools within the homesites is to be liberalised in the PDP, an additional performance standard should be introduced requiring the pool to be constructed adjacent to the dwelling in this area. Consequently I propose the following addition to the matters of control in Rule 41.4.4.1 as amended above:

Pools: on homesites pools shall be located so that one side is within 5m of a wall of the dwelling.

15.8 Under Rule 41.4.4.2 the construction of tennis courts within the homesites remains non-complying. The topography of the area in which the homesites are located is hummocky. As a consequence the inclusion of tennis courts within this area runs the risk of significantly impacting both the natural character of the landscape and the visual amenity of views from the lake and from Queenstown. Consequently I support the continuation of non-complying status for tennis courts in this area.

16. STRUCTURE PLAN - FARM PRESERVE ACTIVITY AREA

16.1 The Farm Preserve (**FP**) activity areas of the PDP Structure Plan occupy an area to the north of the golf course extending to the northern boundary of the zone. As such they encompass a part of the Tablelands area and the lower, southern slopes of Peninsula Hill. The boundary of the ONL (WB) as shown on Planning Map 13²³ cuts across the FP Activity Area, and it is my understanding that there have been no submissions regarding its location.

16.2 The portion of the FP area contained within the ONL(WB) is elevated and notably exhibits the effects of ice scouring. Its vegetative cover is a mosaic of regenerating indigenous vegetation, notably on the steeper escarpments, and pasture, particularly in the gullies and on the more gentle slopes. This area is cut by three deep gullies which decline from west to east. It is currently used for the grazing of stock.

16.3 The more southern portion of the FP area occupies part of the north eastern quarter of the Tablelands. This is the elevated land extending between the southern slopes of Peninsula Hill and including the northern slopes of Jacks Point hill. The more southern portion of the Tablelands is occupied by the golf course, and the western half by the Homesites. This portion of the FP Activity Area is in pasture with patches of indigenous scrub on steeper, rocky areas, and areas of exotic trees along its lower eastern margins. Two shallow gullies cross this area, also declining from west to east. This area too, is currently farmed.

16.4 The area which has been notified as FP Activity Area (ie FP1 and FP2 on the Structure Plan) is an important part of the landscape context of the Jacks Point

²³ And previously considered in *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* EnvC Christchurch C99, 28 June 2005.

Zone, and more broadly of the context of Queenstown itself. The higher areas (within the ONL) have high natural character and very high aesthetic value and are prominent and important in views from a wide visual catchment, including, in its western reaches, from parts of Queenstown itself. The lower portions of the area contribute strongly to the natural context of the Jacks Point zone and contribute significantly to the amenity and character of the zone. The residential areas within Jacks Point have predominant views to the west and consequently the Tablelands area and the more elevated Peninsula Hill provide highly valued views of open, undeveloped landscape.

- 16.5** In the ODP the FP activity areas are a mix of G, O/S, O/P and G/F activity areas. Buildings within these areas are limited to those that comply with the Structure Plan (effectively those associated with golf, farming and recreation, respectively) and (apart from farm buildings) are limited to 4m in height as a controlled activity.²⁴ Farm buildings are also controlled but limited to 10m in height.²⁵ All other buildings within these activity areas are non-complying activities.²⁶
- 16.6** In the ODP the majority of the area which is identified as the FP Activity Area in the PDP is overlain with the Peninsula Hill Landscape Protection Area and, over its western slopes, the Lake Shore Landscape Protection Area. In addition much of the area is covered with the Tablelands overlay. Under the ODP the equivalent landscape overlays control the types of vegetation that can be planted in these areas to ensure that their indigenous landscape character is appropriately maintained. These landscape overlays have been carried over to the PDP but their role has been modified.
- 16.7** The Tablelands overlay is listed in the legend of the PDP Structure Plan but is not included on the Structure Plan itself, which needs to be rectified. The rules applying to the Tablelands overlay are similar to those of the Landscape Protection Areas but include rules relating to fencing and other structures and the temporary storage of vehicles. I will discuss the Landscape Protection Areas and the Tablelands overlay in full in a further section below.
- 16.8** The PDP introduces the FP Activity Area in the policies, stating in Policy 41.2.1.17:

²⁴ ODP12.2.5.2 (ii)(c)(vii)

²⁵ ODP12.2.5.2 (ii)(c)(ii)

²⁶ ODP12.2.3.5 (vii)(b)

- (a) *Provide for farming and rural living in the Farm Preserve Activity Area to enable continued rural land management together with providing a greater diversity of lot sizes that retains rural amenity and protects landscape values, while ensuring that:*
 - (i) *within the Farm Preserve 1 Activity Area, subdivision and development incorporates mechanisms for the protection and management of open space and native vegetation.*
 - (ii) *within the Farm Preserve 2 Activity Area, buildings are not visible from Lake Wakatipu and State Highway 6*

16.9 Rule 41.4.9.8 states:

Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks, recreation, mining, residential and visitor accommodation activities.

16.10 Rule 41.4.3.2 of the PDP makes the construction of farm buildings within both FP Activity Areas a controlled activity. This is modified to discretionary by the Landscape Protection overlays, which will be discussed in a separate section below.

16.11 FP-1 is to occupy an area of the Tablelands extending to the north onto the lower slopes of Peninsula Hill and into the ONL(WB). FP-2 occupies the remainder of the zone covering the southern faces of Peninsula Hill. I will discuss each sub-area separately. I note that these areas are similar to those proposed via submission in Plan Change 44 in both extent and in the status of possible activities within them.

Farm Preserve 1 (FP-1)

16.12 FP-1 encompasses the eastern slopes of the Tablelands. This land is elevated and gently rolling country in the main, but cut by a deep gully running west to east above which the land rises in the lower slopes of Peninsula Hill. The proposed activity area appears to encompass a similar area to the Farm Preserve proposed in the amended Plan Change 44 and comprises an area

of 69.46ha. Its northern extent is located within the area which has been identified as ONL (WB). Two slight gullies run approximately west to east through this area and these are identified as open space on the Structure Plan, sitting over the underlying Activity Area rather than existing as a separate activity area with its own provisions.

- 16.13** The western boundary of the activity area is adjacent to the homesites, and I note that several of these properties are actually bisected by this boundary, specifically Lot 36 DP 381477 and Lot 34 DP 381477, which are both owned by Coneburn Preserve Holdings Ltd, and Lot 49 DP 381477 owned by Fiordland Tablelands Ltd. Fiordland Tablelands Ltd has submitted (770) that, among other things, the entirety of their site should be excluded from FP-1.
- 16.14** Reply Rule 27.6.1 of the PDP²⁷ allows for subdivision within FP-1 down to 4000m² with an average of 2ha, with the proviso at 27.7.11.2 that open space shall be protected by the creation of a separate lot or a covenant protecting that part of the site from any future building development. This provision states that these shall be within the 'open space' areas shown on the Structure Plan. These open space areas are identified in an indicative manner only and are extremely limited and ill defined, being located over the two shallow gullies which transect the activity area.
- 16.15** It remains the case, however, that what is proposed is the potential to have 34 lots created with the potential of residential or visitor accommodation development. It seems to be the intention that as part of the subdivision process, in addition, under Rules 41.4.3.2 and 41.4.3.4, farm buildings within the FP-1 are a controlled activity, residential buildings on a site that has provided for open space pursuant to reply Rule 27.7.11.2 is permitted and other residential and visitor accommodation is a restricted discretionary activity.
- 16.16** I consider that this level of development would have significant adverse effects on the visual and other amenity of Jacks Point residents. The proposed subdivision rules would facilitate the distribution of residential development across all of this area apart from the shallow gullies. This would significantly alter the views to the west from the established residential areas, replacing an open and natural backdrop to the future development on the valley floor with

27 As recommended in Nigel Bryce's Right of reply for Chapter 27, dated 26 August 2016, Hearing Stream 04 Subdivision

scattered residential development. I note that these residents currently anticipate that this area will remain open and rural in character.

- 16.17** I consider that the development of this area in this manner would produce an adverse effect of significant extent on the visual amenity of existing residents. It would reduce the areas of open space within which the zone is located affecting general amenity and the character of the zone as a whole. I consider that this would be an adverse effect which would be moderately significant in extent.
- 16.18** In my evidence on Plan Change 44 I opined that approximately 13 dwellings at a density of 1 per hectare could be absorbed into the lower eastern portion of this area (to the west of the wetlands), provided controls were exercised over design and landscaping. I continue to be of the opinion that there is some potential to locate dwellings along the lower margins of the slope to the west of the wetlands.
- 16.19** In these locations the visual effects could be mitigated by vegetation but specific rules to manage their development would be required so as to avoid adverse effects on the internal amenity of the zone. The use of the Homesites regulatory framework could be extended into this area thereby enabling a small number of appropriately located and landscaped dwellings. The locations of these sites should be defined in the Structure Plan.
- 16.20** In my opinion the FP-1 which is located outside of the ONL should be restored to OSG in the terms of the PDP or G, G/F and O/S in the terms of the ODP. The balance within the ONL should become OSL in the terms of the PDP or O/S in the terms of the ODP. In addition, the Tablelands overlay should apply. I will discuss the landscape overlays in detail below.
- 16.21** Mr Schrantz (195) seeks to reinstate the ODP Activity Area over the area of the Tablelands which coincides in part with area FP-1 and which he names as the 'Open Space and Landscape Protection Areas'. With allowance made for additional Homesites as discussed above, I support Mr Schrantz's submission in principle. I consider that the balance of the FP-1 activity area within the ONL should become part of the OSL Activity Area. I consider that the proposals detailed above, including the reinstatement of the Tablelands

overlay, should address some of Mr Scrantz's concerns. It will also satisfy the concerns of Fiordland Tablelands' submission (770).

Farm Preserve 2 (FP-2)

- 16.22** FP-2 is elevated and occupies the ice-scoured southern slopes of Peninsula Hill. The area is cut with two relatively deep gullies which decline from west to east. It is largely vegetated with a mix of pasture and regenerating indigenous scrub, the latter particularly on the steeper and higher slopes. It has high natural character and very high aesthetic value and is prominent in views from a wide visual catchment.
- 16.23** The PDP FP-2 Activity Area covers 337ha which is significantly bigger than the area proposed in amended Plan Change 44, although it is unclear where the extensions to the area occur. It is entirely located within the area which has been identified as ONL. In the ODP the entire area notified as FP-2 is O/S Activity Area which limits its uses to pastoral and arable farming and indigenous revegetation²⁸ and it is entirely overlain by the Peninsula Hill Landscape Protection Area and, in its western reaches, the Lake Shore Landscape Protection Area.
- 16.24** Reply Rule 27.6.1 of the PDP enables subdivision of this area to a minimum lot size of 2ha with an average of 40ha.²⁹ In addition, under Rules 41.4.3.2 and 41.4.3.4, farm buildings within the FP-2 Activity Area would be controlled, and residential units and visitor accommodation activity would be a restricted discretionary activity with buildings within the Peninsula Hill Landscape Protection Area (which overlays part of FP-2) fully discretionary. This could facilitate the development of 8 residential or visitor accommodation developments in this area.
- 16.25** It is the case, as I have noted previously, that some development could be located within the gullies which cross the site. Providing access to these areas would remain difficult, however, without resulting in adverse effects on the landscape. I do not consider the proposed regime to be at all appropriate to manage development in such a sensitive landscape. In my opinion development within this area could be allowed providing it is fully discretionary and can achieve the standard of the ONL that it be 'reasonably difficult to see'.

28 ODP 12.2.5.1(k) P12-16

29 As recommended in Nigel Bryce's Right of reply for Chapter 27, dated 26 August 2016, Hearing Stream 04 Subdivision

- 16.26** A regime that enables thorough analysis including the effects of the access ways (through assessment matters and detailed policies and that starts from a premise that development will be appropriate in only limited cases (i.e. will be the exception rather than the norm) is all important. I consider the framework outlined in the right of reply version of the Rural chapter 21 to be the least that is required (noting the Hearing Panel's request for the Wakatipu Basin Study) to meet the landscape objectives and Part 2 of the RMA.
- 16.27** Overall, I consider that the priority in these parts of the zone should be in protecting the integrity of the Peninsula Hill landscape and that indigenous revegetation, recreation and farming (restricted to the grazing of stock) should be the focus of activities in this area. Consequently I consider that the entire FP-2 area of the proposed structure plan should become Open Space Landscape, which would have the effect of ensuring that farming and recreation within this area were facilitated, and that other activities remained fully discretionary.
- 16.28** I discuss the related issues of the extent of the Peninsula Hill landscape protection area over this land in the section below.

17. LANDSCAPE PROTECTION AREAS

- 17.1** Landscape protection areas are overlays which have been used in the ODP to provide an additional level of management in certain of the open space areas of the zone. There are three of these overlays: the Highway Landscape Protection Area (**HLPA**); the Lake Shore Landscape Protection Area (**LSLPA**); and the Peninsula Hill Landscape Protection Area (**PHLPA**). In all cases their effect is to manage landscaping and public access within those areas.
- 17.2** In addition to the Landscape Protection areas, there is the Tablelands overlay. This functions in a similar manner to the Landscape Protection areas, except that the PDP does not include the specific support included in the ODP of Policy 3.7, which states:

To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.

- 17.3** Because of the similarities with the LPAs I will discuss it in this section.
- 17.4** Landscape protection areas are also included in the PDP. There are references in PDP text to the Tablelands also (for example, Policies 41.2.1.9 and 41.2.1.24 and Rules 41.4.4.1, 41.4.4.2 and 41.5.2.4) but it has not been included in the Structure Plan at 41.7. The role of the landscape protection areas has been augmented in the PDP as the rules pertaining to the underlying activity areas are proposed to be liberalised. In the PDP the landscape protection areas are now proposed to include their past role of managing the character of planting but also to alter the status of the construction of buildings from permitted and controlled to discretionary (other than for farm buildings in FP-2).

Peninsula Hill Landscape Protection Area (PHLPA)

- 17.5** The Peninsula Hill Landscape Protection Area in the ODP overlays most of the Lower Slopes of Peninsula Hill, within the zone, save the western slopes which are overlain by the LSLPA. Together they almost coincide with the area of the Peninsula Hill which was categorised as ONL(WB), but the southern boundary of the PHLPA is north of the ONL boundary by approximately 150m.
- 17.6** The PHLPA proposed in the PDP is much diminished in area. Two large gullies, discussed above in regard to proposed FP-2, have their PHLPA removed, and two areas of the eastern toe of the Peninsula Hill slopes adjacent to the valley floor, have also had this overlay removed.
- 17.7** Firstly, regarding the removal of the overlay, it appears that the removal (in the PDP) of the PHLPA from the gullies is based upon the Coneburn Resource Study's visibility analysis, which showed that there are areas within these systems that are not visible from the lake or the State Highway. I have discussed my opinions regarding the limitations of this visibility analysis. The other point which needs to be made in this regard is that just because you cannot see something from certain viewpoints does not mean that it does not have adverse effects on the landscape.
- 17.8** Landscape character has been defined as:³⁰

30 Swanwick, Carys. (2002) 'Landscape Character Assessment: Guidance for England and Scotland'. Scottish Natural Heritage & The Countryside Agency

A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse

- 17.9** Best practice considers landscape to be a resource in its own right, rather than simply something which contributes to visual amenity. Consequently changes to landscape character, particularly when the quality of that landscape has been sufficient to have it recognised as outstanding in the terms of s6(b) of the RMA and may be impacted, needs to be considered holistically and not simply from a visual perspective. Consequently I consider that the PHLPA should be reinstated over the area so covered in the ODP, at the least so as to ensure that the character and quality of the entire Peninsula Hill landscape is considered in any development proposal. I consider that it should be extended to the south to cover the entire area which is identified as ONL in the PDP, so as to provide the full area with an appropriate level of protection.
- 17.10** The boundary of the ONL within the Coneburn Valley in the notified PDP³¹ appears to run along the edge of the valley floor where the fluvial and glacial deposits meet the schistose hill. The areas along the eastern toe of Peninsula Hill that have been removed from the PHLPA in the PDP appear to still be located on the schistose hill slopes within the area classified as ONL. While some of the fringes of the hill in this vicinity are more pastoral in character than the balance of the land feature, I consider that the ONL boundary is correctly located at this juncture. Consequently I am opposed to these areas being excluded from the PHLPA. In addition to the issues of landscape character and quality discussed above, these areas are also readily visible from the State Highway.
- 17.11** I have discussed my opinion of the Farm Preserve Activity Area above, and my conclusion that the higher reaches of this area should become Open Space Landscape in the terms of the PDP. Under the ODP the management of the PHLPA is more stringent than that which applies within the ONL within the Rural General zone, as all buildings except farm buildings are non-complying. It is also the case that the PDP (through reply Chapters 3, 6, and 21) provide a high level of protection over ONLs.
- 17.12** Under the proposed regime for the FP-2 Activity Area buildings would be controlled in the areas not covered by the PHLPA and discretionary in those

31 PDP Map 13

areas which are covered by the PHLPA. Following from the discussion above, I consider this planning regime to be too liberal to manage such an important landscape. I consider that the regime should be at least of a similar level of stringency as that applied to other areas of ONL. Consequently I consider that any buildings, other than farm buildings, should be fully discretionary within the area covered by the PHLPA. Farm buildings should remain a controlled activity but be subject to similar controls regarding density and elevation and appearance as those proposed to control farm buildings within the other ONLs of the District.

Highway Landscape Protection Area (HLPA)

- 17.13** The HLPAs requires, at 12.2.3.2 of the ODP, that activities relating to the provision of public access and landscaping are to be controlled activities within the HLPAs. Rule 12.2.3.4(v) requires that all planting done within the HLPAs should avoid obscuring views from the State Highway to the mountain peaks beyond.
- 17.14** Under the PDP the land over which the HLPAs is located is all a part of the OSL activity area identified for farming, farm buildings, fencing, trail formation, mining, farm access tracks and recreation activities. Farm buildings within the OSL Activity Area are a permitted activity. The overlay of the HLPAs makes the construction of any building, including farm buildings, a fully discretionary activity.³² In addition controls are applied on the planting of vegetation which might obscure views from the highway in a similar manner to the ODP.³³
- 17.15** In my opinion, the control of vegetation and of buildings within the margins of the zone along the State Highway remains important. While development within the zone is much more apparent than the ODP rules would suggest was anticipated, the open space between the margin of development within the zone and the State Highway is important for its role in maintaining the views to the mountains, including Peninsula Hill, from the State Highway. It also helps to establish the character of the approach to Queenstown.
- 17.16** The effect on landscape character of a farm building, which is an anticipated part of our rural landscape, is quite different to that of another sort of building. Consequently I remain of the opinion that activities which are not anticipated,

³² PDP Rule 41.4.3.4

³³ PDP Rule 41.5.2.1

in this case buildings other than farm buildings or recreational buildings, within the OSL, should remain non-complying in those areas covered by the HLPAs. I also consider that, within this area, discretionary status for farm buildings is appropriate in order to manage their impact on views across the zone, in particular.

- 17.17** While I appreciate that this is more stringent than what I am recommending with regard to farm buildings in the PHLPA, the issue is a matter of scale. The HLPAs apply to a relatively small area of land immediately adjacent to the State Highway. The potential for adverse effects to result from a poorly designed or inappropriately located farm building is high. Within the PHLPA, farming is, under my proposed regime, the primary activity. Relative to its size and proximity to public locations, the potential for adverse effects to result from a farm building is much lower, particularly if, as I have recommended, the same constraints on farm buildings as those proposed in Chapter 21 (Rural) of the PDP are applied.

Lake Shore Landscape Protection Area (LSLPA)

- 17.18** The LSLPA covers the slopes of the zone which descend to the lake edge. It overlays the western portion of the lower Home Site lots as well as areas of golf course. This is a sensitive part of the landscape being experienced, along with the public land along the lake margin, in close conjunction with the lake itself, and as part of the foreground of the Remarkables in views from Queenstown. It was determined in part to be within the ONL(WB) by the Environment Court.³⁴ It has high natural character, being clad with extensive regenerating vegetation.
- 17.19** The LSLPA retains its ODP role of landscape management through the control of planting under the PDP. As with the HLPAs it makes the construction of any buildings within the LSLPA a discretionary activity. Given that this area of the zone is sensitive and includes parts of private (residential) lots, I am of the opinion that this does not give an adequate indication of the inappropriateness of built development in this area. I consider that the LSLPA should make the construction of any building other than those directly relating to the underlying activity area (in this case OSG) non-complying.

³⁴ *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* EnvC Christchurch C99, 28 June 2005

- 17.20** Again, this is more stringent than what I am recommending for the PHLPA. This is because of its importance due to its association with the Lake, its relatively small area, its high degree of prominence in views from the north west and west, and the close proximity of public access (the Kelvin Heights and other tracks).

Tablelands

- 17.21** The ODP Tablelands overlay area encompasses most of the lower ridgeline which connects Peninsula Hill with Jacks Point. It is the location of the Homesites (also known as the Preserve), the golf course, the Jacks Point quarry and some open farmland. It is defined as an overlay within the ODP and it extends from the Jacks Point Lodge Activity Area to the southern boundary of the PHLPA, and its western boundary follows the eastern edge of the LSLPA. The area it covers is elevated and it forms a central part of the views available from the residential areas of Jacks Point and which provides much of the visual and other amenity of the zone.

- 17.22** In the terms of the ODP the importance of the Tablelands is expressed by 12.1.4 Policy 3.7 which states:

To ensure that subdivision, development and ancillary activities on the Tablelands and Jacks Point are subservient to the landscape.

- 17.23** In addition the ODP Tablelands overlay imposes a number of rules on development within the area including on the construction of swimming pools and tennis courts and on the types of planting which may be done. I have discussed the swimming pools and tennis courts above.

- 17.24** As mentioned earlier it would appear that the Tablelands is intended to be an overlay area on the PDP Structure Plan also as it is shown on the key as such, but the overlay is missing. The PDP retains a specific policy reference to the Tablelands but the policy is slightly different to that of the ODP. It states:³⁵

Ensure that subdivision, development and ancillary activities within the Tablelands maintain the character of the landscape.

35 PDP Policy 41.2.1.9

17.25 In my opinion (ignoring at this point the elimination of Jacks Point from the policy) this policy is better than that of the ODP. As someone trying to work with the ODP I have struggled to understand what is meant by 'subservient to the landscape'. In my opinion, working to maintain the existing character of the area, which is clearly highly valued, is a much clearer task.

17.26 In addition the PDP includes a second policy relevant to the Tablelands which states:³⁶

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

17.27 This policy appears to indicate a slight change of direction under the PDP. While under the ODP there are no specific policies regarding the revegetation of the Tablelands, the design guidelines require indigenous revegetation in association with the development of the Homesites, but outside of them in the balance lots.³⁷ In addition the ODP rules control the types of planting within the Tablelands, which includes the Homesites, ensuring that the only exotic vegetation planted is within 10m of a dwelling.³⁸

17.28 In my opinion PDP Policy 41.2.1.24 would not continue the current focus of the Tablelands overlay. This poses a potential threat to the natural character and ecological value of the existing Tablelands area, and in my view should be reworded as follows:

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

17.29 Other specific rules pertaining to the Tablelands have been carried over from the ODP. These relate to swimming pools and tennis courts;³⁹ vegetation;⁴⁰ fencing;⁴¹ and to the temporary storage of vehicles.⁴² I have discussed swimming pools in the section of this evidence relating to the Homesites. I

36 PDP Policy 41.2.1.24

37 Preserve Design Guidelines, S2.1(b), Pp5-6

38 ODP 12.2.3.4(v)(d)

39 PDP 41.4.4.1

40 PDP 41.5.2.4

41 PDP 41.5.7.1

42 PDP 41.5.18

consider that the other rules regarding vegetation, fencing and vehicle storage within the Tablelands are necessary, appropriate, and adequate to continue to manage the character and quality of the landscape of this area.

17.30 In conclusion, I consider that the Tablelands overlay should be recognised as a landscape protection area and should be included as such within the PDP. It should be reinstated on the Structure Plan as references to it in the text of the PDP are meaningless without its inclusion. Following from my discussion of the Farm Preserve Activity Areas above, I consider that the Tablelands overlay should encompass the entire extent from the ODP plus the extension of the OSG replacing FP-1, R(HD)-F and R(HD)-G.

18. SUBMISSION 715 – JARDINE FAMILY TRUST & REMARKABLES STATION LTD

18.1 The Jardine Family Trust and Remarkables Station Ltd are the owners of the Homestead Bay portion of the Jacks Point zone. They have made a submission (715) seeking that land adjacent to the Homestead Bay portion of Jacks Point be rezoned from Rural General to Jacks Point, which would extend the development areas within their portion of the zone; to alter the nature of some of the existing development areas; and to alter and delete some of the proposed policies and provisions of the PDP. Some of the changes sought to proposed policies and provisions would affect more than the land sought to be rezoned.

18.2 A proposed structure plan is included in their submission. I understand that the rezoning aspects of the submission will be considered in the Mapping Stream of the PDP hearings and will limit my comments here to the desired amendment to Policy 41.2.1.10. While they seek amendments to other policies these are addressed elsewhere in this evidence.

18.3 The submitter requests the amendment of Policy 41.2.1.10 as follows:

Provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.

18.4 In terms of the broader landscape of the District I would generally consider this an appropriate amendment. 'Domestication' in terms of the District's

landscapes is usually interpreted to mean to make homely or of the home, and in this regard I would generally consider that farming activities, being industrial rather than domestic in nature, cannot contribute to the domestication of the landscape. Another meaning of 'domestication', however, refers to the taming of something, and this is relevant in this instance.

- 18.5** Valued qualities of the landscape within Jacks Point are the naturalness and wildness which result from, primarily, the spontaneously regenerating indigenous vegetation. In this regard, I consider that farming activities within Jacks Point could, indeed, tame this landscape in a way which would be highly undesirable. Consequently I am opposed to this part of the submission.

19. SPECIFIC PDP PROVISIONS NOT ADDRESSED ABOVE

- 19.1** I now consider whether specific PDP provisions not already considered above are appropriate.

Objective and policies

- 19.2** The objective for the Jacks Point zone promoted in the PDP is notably different to that within the ODP. The ODP objective is:

Objective 3 - Jacks Point Resort Zone

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

- 19.3** The PDP objective is:

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

- 19.4** The most notable alteration to the objective is the removal of 'with appropriate regard for landscape and visual amenity values'.
- 19.5** As discussed at length above, the landscape setting of the Jacks Point zone is one of its most important attributes. Consequently I consider it important that the development within Jacks Point does not degrade its landscape surroundings.
- 19.6** Avoiding the degradation of the landscape is important within the zone, so as to maintain the quality and character that has been developed there. It is important from outside of the zone so that inappropriate development does not detract from the experience of the important landscape features both within and outside of the zone, in particular, Peninsula Hill, the Remarkables Range, Jacks Point hill, and the margins of the lake, particularly between Kelvin Heights and Jacks Point. All of these areas have been classified, appropriately in my opinion, as ONL.
- 19.7** The Quality Planning website describes a good objective as 'a statement of what is to be achieved'.⁴³ The implication of this change, therefore, is that having appropriate regard for landscape and visual amenity values is no longer something which needs to be achieved. Consequently I consider the removal of the phrase 'with appropriate regard for landscape and visual amenity values' from the objective for the zone to be a significant change, and one which would diminish the ability of Council to effectively manage the landscapes of the zone. In my opinion this phrase should be reinstated.
- 19.8** Quality Planning also describes a good policy as one which identifies 'the course of action to achieve or implement the objective'. The PDP includes a much increased list of policies, mainly to allow for the change in approach from relying on both a Structure Plan and the development of subsequent Outline Development Plans in the ODP, to relying solely on a Structure Plan in the PDP.
- 19.9** All but two of the existing policies from the ODP have been included in the PDP, albeit that some have been reworded. The two which have not been carried over are:

43 <http://www.qualityplanning.org.nz/index.php/plan-steps/writing-plans/writing-issues-objectives-and-policies> downloaded 25th November 2016

- (a) ODP Policy 3.3 which states, 'To require the external appearance, bulk and location of buildings to have regard to the landscape values of the site'; and
- (b) Policy 3.11 which states 'To ensure that subdivision and development does not compromise those visual amenity values associated with the southern entrance to Queenstown'.

19.10 Policy 3.3 of the ODP is important in that it provides a means to ensure that the landscape quality of features such as Jacks Point itself and the other elevated areas of the zone are not compromised by inappropriate built form. I consider that it should be reinstated.

19.11 I believe Policy 3.11 of the ODP refers, tangentially, to a study which was undertaken in the early 2000s of the landscape qualities of the entrances to Queenstown. This study analysed the experiences had on the various approaches to Queenstown and identified views, qualities and characteristics which should be maintained. This report has never had any statutory weight and time and development have eclipsed its, very good, recommendations. Consequently I do not think that the retention of this policy is helpful.

19.12 Notified Policy 41.2.1.1 appears to be a reworking of existing Policy 3.4. Both introduce the requirement that development comply with a structure plan. Both include reference to landscape values, which is positive, but in my reading this only applies to the establishment of the structure plan (and, presumably, the assessment of proposals which depart from that plan). In addition it requires visibility from State Highway 6 and the lake to be taken into account. For the reasons given above I consider that this should be widened to include Kelvin Heights, Queenstown township and the lakeside trail. I propose the following wording:

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

- *Integration of activities and servicing;*
- *Landscape and amenity values;*
- *Road, open space and trail networks;*
- *Visibility ~~from State Highway 6 and Lake Wakatipu~~ public places beyond the zone.*

- 19.13** Notified Policy 41.2.1.3 is identical to Policy 3.1 of the ODP. I consider that, for consistency, it too should be amended to reflect the broader visibility of development within the zone. I propose the following wording:

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

- 19.14** Notified Policy 41.2.1.4 requires that residential development is not readily visible from the State Highway. This is the same as Policy 3.10 of the ODP. 'Readily' is defined by the Compact Oxford Dictionary as meaning 'without difficulty'. In my opinion this raises a conundrum. Residential development within the zone is clearly visible from the State Highway without difficulty despite this policy. In my opinion, more visible residential development within the Jacks Point portion of the zone at least, would be undesirable because of its effect on the views over the zone. Consequently, while the policy has not had the desired outcome perhaps, I consider it should remain in order to ensure that more residential development is not contemplated where it would be visible from the State Highway.
- 19.15** Notified Policy 41.2.1.9 has been discussed above in relation to the Tablelands, and I made the point that the ODP reference to Jacks Point has been removed. As I have noted previously, Jacks Point hill forms an important part of the landscape context of the zone. It is an important landscape feature of the area contributing to the visual amenity of a wide catchment and to character of the landscape of the vicinity. I consider that the reference to Jacks Point should be reinstated to ensure that the development anticipated on that feature (within the Lodge Activity Area) is appropriate for its location.
- 19.16** Notified Policy 41.2.1.12 is a new policy which states, 'Provide a diversity of living accommodation, including opportunities for farm and rural living at low densities'. I have already set out my opposition to rural living within the proposed FP-2 activity area. Consequently I consider that this policy should be amended to read as follows:

41.2.1.12 Provide a diversity of living accommodation, including opportunities for ~~farm and rural living at low densities~~ rural living within the Homesites.

- 19.17** Notified Policy 41.2.1.17 also relates to the Farm Preserve areas and is aimed at managing residential and visitor accommodation within those areas. As noted above, I have already set out my opposition to this and I consider that the policy should be amended to read as follows:

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

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

- 19.18** I note that, apart from Policy 41.2.1.16 which refers to the EIC there are no policies focusing on the management of the visual effects of other types of development such as, for example, within the southern portion of the Village Activity Area which will be visible from the State Highway. I consider that an additional policy should be included and suggest the following:

14.2.1.X Ensure the visual impacts of subdivision and development within the Village and other non-residential activity areas are appropriately mitigated through landscaping, building design and the provision of open space.

Design Guidelines

- 19.19** QLDC (383) requests the deletion of any reference to design guidelines through the chapter (i.e., in the purpose and in Rules 41.4.3 and 41.4.4) and that they be left as non-statutory and administered by the JPDRB.

- 19.20** I consider that the standard of existing development within the Jacks Point zone is extremely high. I have been aware of a number of occasions, however, where dwellings have received sign off from the JPDRB as complying with the design guidelines but have been found to require resource consent from Council because aspects, in fact, do not comply. The types of infringement have included such things as length of continuous façade, height, roof pitch, and similar. Generally these infringements have been minor. Nonetheless, the point is that the JPDRB has not always imposed its design controls entirely effectively.
- 19.21** I am concerned that, in the absence of any Council oversight of the application of the design controls, the JPDRB may simply stop applying them or requiring adherence to them. I have been aware of two instances of developments in which design controls have existed with the requirement that review boards assess compliance with them as a matter of private covenant with the landowners (as I understand is now proposed here), in which these have simply been ignored. As these have been private covenants Council has not been able to require that they be enforced.
- 19.22** Further, Council would no longer have any oversight of the content of the guidelines as the requirement that they be approved through the Outline Development Plan / resource consent has been removed. This means that the guidelines could be altered without any Council input.
- 19.23** The maintenance of Council control in regard to the urban residential development within the zone might justifiably be relaxed, and I anticipate this will be considered by Mr Compton-Moen. The importance of the landscape surrounding and containing the more rural type development areas is such, however, that I consider Council's involvement in these areas should be retained. Some of the performance standards in 41.5 are taken from the design guidelines.
- 19.24** In my opinion, if permitted activity status is to be given to any development within the zone, the key parts of the design controls, the 'Controls/methods to achieve objectives' from the Preserve Design Guidelines, should be incorporated into the rules as performance standards. These guidelines currently apply to the Preserve area (the homesites) and to the Lodge Activity Area. Their ongoing application to these areas should also be made explicit.

Planting Controls

19.25 Planting controls have been included within the zone rules and in the main these have been transferred from the ODP. They appear to have lost some of their meaning in the process however.

19.26 Standard 41.5.2.6 states:

On any site within a Residential Jacks Point Activity Area there shall be no shrub and tree planting with less than 75% of the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers. Discretion is restricted to any effects on nature conservation values.

19.27 I consider that this is confusing and should be amended as follows:

41.5.2.6. On any site within a Residential Jacks Point Activity Area ~~there shall be no shrub and tree planting with less than~~ at least 75% of all trees and shrubs planted shall be of the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers.

Discretion is restricted to:

- *any effects on nature conservation values; and*
- *effects on landscape character and visual amenity.*

19.28 I include the second matter of discretion, as a focus on nature conservation values within the residential areas is unnecessary. Of more importance in the residential areas is the suitability of planting to maintain the established character of the area and to avoid 'neighbour' problems such as shading, branch drop, view obstruction and similar urban tree issues.

19.29 Standard 41.5.2.9 is also confusing. It reads:

Except as provided for in (41.5.2.6) above, any native vegetation required to be planted within this Zone shall:

- a. Include species appropriate to the ecosystems of the area being planted.*

- b. *Be capable of reaching 80% canopy closure for the ecosystem type being planted.*
- c. *Have eradicated any invasive plant pests the time of planting.*
- d. *Be maintained, with any plants that die or are diseased replaced.*

Discretion is restricted to any effects on nature conservation values.

19.30 I am unclear as to the purpose of this standard, except that it appears to be proposed to manage revegetation within the zone as, for example, is required as a part of the development of the homesites. RCL has sought that the Standard be deleted.

19.31 I consider that it is valuable to include a standard for that work but to make it functional I propose the following modifications:

Except as provided for in (41.5.2.6) above, any native revegetation required to be ~~planted~~ undertaken within this Zone shall:

- a. *Include species appropriate to the ecosystems of the area being planted.*
- b. *Aim to ~~Be capable of reaching 80% canopy closure for the ecosystem type being planted~~ within five years of implementation.*
- c. *~~Have eradicated any invasive plant pests the time of planting.~~ Ensure the ongoing eradication of all plant pests which might compete with the planting*
- d. *Ensure the planting is appropriately protected from animal pests*
- e. *~~Be maintained, with any plants that die or are diseased replaced.~~ Maintain the planting on an ongoing basis replacing dead or diseased plants as necessary to reach compliance with (b) above.*

Discretion is restricted to any effects on nature conservation values.

19.32 Revegetation is always experimental and rules or conditions managing its implementation need to reflect this and allow for the adaptive management of planting areas. Further, as revegetation essentially aims to mimic and hasten natural processes it is usual to plant at very high density and to anticipate

some attrition. Consequently requirements that any plant which dies should be replaced is unreasonable.

Earthworks

- 19.33** Earthworks can have significant effects on the landscape. Landforms can be completely altered and landscape features obliterated (or created). Natural character can be affected by inappropriate earthworks, and consequently ONLs and ONFs are particularly vulnerable.
- 19.34** Earthworks have largely been controlled (in a planning sense) by volumes and areas. From a landscape perspective this is a pretty blunt instrument, but it does ensure that the scale of earthworks can be managed. The heights of cut and fill are, in my opinion, a better indicator of the effects of earthworks on the landscape than volume. This is because intensive earthworks can have a higher impact on the landscape than extensive (although this is not always the case).
- 19.35** Under the ODP earthworks within the zone which are to enable subdivision, building construction or the development of the Golf Course are permitted activities. Earthworks for golf course construction exceeding 1000m³ are a controlled activity. Other earthworks which exceeding upper limits on volumes; height of cut and fill; or proximity to water bodies have discretionary status.⁴⁴
- 19.36** Under the PDP earthworks associated with subdivision are to be managed by Chapter 27: Subdivision. All other earthworks within the R, V, V (HB), OSH, OSR, OSF, FBC and BF are permitted to 500m³ and restricted discretionary over that. Earthworks within the OSL, OSA, FP and Homesites are permitted to 1000m³. Within the OSG, E, EIC, and L Activity Areas there is no maximum volume.
- 19.37** Of concern is the lack of a maximum volume for earthworks within the Lodge Activity Area. This is an elevated area which, as I have discussed, is highly sensitive and a key part of the landscape context of the zone. In my opinion the maximum permitted earthworks volume should be set at 1000m³ to ensure

44 ODP 12.2.3.2; 12.2.3.4; 12.2.5.1(1), (2) & (3)

that development is not excessively hindered but that the sensitivity of the landscape can be managed.

19.38 A further concern regarding earthworks is that in the Lodge Activity Area and FP Activity Area there is no limit on cut height. Roads in both activity areas are limited to a cut of 1m, which is very positive. In my opinion there needs to be a limit imposed on cut height for all earthworks however, again to ensure that they are designed to be sensitive to the importance of the landscape. I note that for earthworks in most of the development areas, other than the Homesites, a maximum cut height of 2.4m applies. In my opinion this should apply to earthworks within the FP Activity Area (if approved) and to the Lodge Activity Area.

19.39 Submitter 762 seeks to amend rule 41.5.4.5 'earthworks around water bodies' to exclude man made water bodies. I consider that this is appropriate, the main man made water body within the zone being Lake Tewa.

20. RESPONSE TO THE MEMORANDUM OF COUNSEL ON BEHALF OF JACKS POINT LTD ET AL

20.1 I note that the position provided in the 16 December 2016 memorandum by Jacks Point *et al* is proposed and draft, and that Jacks Point may be providing an updated position with their evidence.

20.2 FP-1 is proposed to be deleted and replaced with 22 Homesites within the (expanded) OSG Activity Area. This is similar, in principle, to the proposals which have been made by myself and Ms Jones. I consider that the number and exact location of these Homesites would require a full assessment. I also consider that the regime that is proposed to manage this is too liberal to ensure appropriate development within this sensitive landscape. I consider that the modifications to the existing Homesite and OSG which have been discussed above would be appropriate in this location. This area should also be covered by the Tablelands overlay.

20.3 FP-2 is proposed to be deleted and replaced by OSL with two Homesites identified. I have discussed the FP-2 area above in some detail, and the Peninsula Hill Landscape Protection overlay as well. I consider that the landscape within this area of the zone is particularly sensitive to the effects of

development, in particular the effects of earthworks necessary to establish access to possible development sites. I continue to consider that the regime promoted by myself and Ms Jones is a more appropriate method of managing this sensitive landscape.

20.4 The EIC is proposed to be deleted and replaced with a new activity area, the Residential Education (Hanley Downs) Activity Area. In principle the proposed development regime appears appropriate. Development of this area in accordance with the proposed regime would not have any more significant effects on the landscape or visual amenity than the EIC would have, and would possibly have lesser effects. I am unclear, however, how the proposed draft Spatial Layout Plan (which I consider would be a necessary and appropriate tool to manage the development of the activity area) differs significantly from an Outline Development Plan.

20.5 The Education Activity Area adjacent to the Jacks Point Village is proposed to be deleted with the area it was to encompass to be incorporated into the Village Activity Area. I noted above that built form within the Education Precinct would not appear unexpected as the area is adjacent to the Village. I also noted that it was likely that the development of a school in this location would likely result in much of the area remaining open space. This would not be the case if it were to be developed as a part of the village. Further, while an educational facility seems a reasonable neighbour to a recreational area (the OSA and OSL), a village seems less so. It would also result in a Village activity area encompassing approximately two thirds of the area of the Queenstown Town Centre Zone.

20.6 In conclusion, I consider that the proposals included in the Memorandum have some merit, but that further assessment needs to be undertaken. Unfortunately the draft proposed changes were provided after I had largely prepared my evidence on submissions on the zone, and I have not been able to consider them in greater detail given the timeframes.



Marion Read
17 January 2017

APPENDIX 1

Plan showing differences between ODP and PDP Structure Plans

