

In the Environment Court of New Zealand  
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-ENV-2018-CHC-137**

Under the Resource Management Act 1991 (RMA)

In the matter of An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

Between **Coneburn Preserve Holdings Limited & Others ('Jacks Point')**  
Appellant

And **Queenstown Lakes District Council**  
Respondent

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**STATEMENT OF PRIMARY EVIDENCE OF NICHOLAS JAMES RAE  
ON BEHALF OF RESIDENTIAL PRECINCT COMMITTEE OF THE JACKS  
POINT RESIDENTS & OWNERS ASSOCIATION  
(URBAN DESIGN)**

**23 JUNE 2022**

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## 1. EVIDENCE SUMMARY

- 1.1 My full name is Nicholas James Rae. I am an Urban Designer and Landscape Architect. I am the Director of Transurban Limited, consultants on urban development. I have been engaged by the Residential Precinct Committee of the Jacks Point Residents & Owners Association (“RPC”) to provide evidence to support its interests as a party to the s293 application by the Appellant for directions incorporating a Comprehensive Development Plan (“CDP”) for the Jack’s Point Village into Chapter 41 of the Proposed Queenstown District Plan (“PDP” and “the Plan”).
- 1.2 My evidence is limited to the consideration of the most appropriate ‘Land Use Area’ classification to apply to two parcels of land on the eastern side of Homestead Bay Road. This land is within the Village Jacks Point Activity Area (“VJP”) as depicted within the structure plan, and within the Jacks Point zone.
- 1.3 The draft CDP submitted by Jack’s Point interests in October last year (with the support of the RPC) shows this land as “(R-6) & (R-7)” and by reference to the Key on the Plan 1 – Land-use Areas is identified as Medium Density Residential.<sup>1</sup> This land use classification is the only outstanding matter before the Court due to the objection to this land-use activity classification by the present owners of the land (“RCL”). I understand their position to be that the land-use activity should be Mixed Use. I am advised all other aspects of the draft CDP including the Part 2 Design Controls, draft Structure Plan and draft revised Chapter 41 are agreed by all parties.
- 1.4 On this understanding, my evidence addresses the single issue of whether the Land Use Area classification should be “Medium Density Residential” or “Mixed Use” with the corresponding activities as listed in the Key on Plan 1 of the Jacks Point Village – CDP and with related provisions as detailed in the CDP text<sup>2</sup>.

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<sup>1</sup> I note I am advised that the CDP Plan 1 provided to the Court on 3 May 2022 (revision K, dated 24 March 2022) describes in the Key on the Plan the Land use Areas that are residential as “High and Medium Density Residential” in error. I am advised by the RPC and their consultant Mr Brabant that including reference to *High* Density is in error and inconsistent with the agreed amended standard for building coverage (proposed Rule 41.5.2.2) which states in sub- paragraph (a) that building coverage is a maximum of 45% calculated across the area of each *Medium Density Residential Land Use Area (R-1 to R-7)*. My evidence has been prepared based on this advice.

<sup>2</sup> Jacks Point Village Comprehensive Development Plan Draft 6 April 2022

- 1.5 The land use classification relates to activities with a Controlled Activity status<sup>3</sup>. The zone enables other activities (including those not in accordance with the CDP) with a Discretionary Activity status<sup>4</sup>.
- 1.6 The key points addressed in my evidence are:
- (a) The most suitable Controlled activity for the subject land is the "Medium Residential Land Use Activity" classification in the CDP. The breadth of the non-residential opportunities provided for by the CDP Mixed Use Land Use Activity classification within the village is significant and providing more Mixed Use opportunity as a controlled activity on the subject land could undermine the ability to achieve policy 41.2.1.17a. The desired outcome by reference to this policy is a 'vibrant mixed use hub' with a range of activities including a 'small local shopping centre'.
  - (b) The amenity values of the subject land are not as good as those closer to Lake Tewa, and the subject land would likely be less successful as a high amenity village core.
  - (c) The adjacent land to the west of Homestead Bay Road (R-2) is being developed with a two-storey residential outcome and this now provides the existing environment that development on the site should respond to. A residential land use on the subject land would be consistent with this existing environment, maintain residential amenity, and minimise the potential for adverse effects on this land use and the existing open space and residential to the east of the subject land.
  - (d) In my opinion, the bulk and layout of buildings on the land should be controlled to achieve an outcome suitable for the context, regardless of the activity contained within them. Rule 41.5.2.2 (as proposed to be amended) provides different building coverage standards for the different CDP Land use Areas - 60% (maximum) for Mixed Use and Visitor Accommodation, and

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<sup>3</sup> Rule 41.4.2.1

<sup>4</sup> Rule 41.3.2.1

45% (maximum) for Medium Density Residential and Community. I consider the subject land should be subject to the 45% building coverage standard rather than a 60% coverage control (as a controlled activity), reinforcing the appropriateness of the proposed Medium Density Land-use activity as presently proposed in the draft CDP. In my opinion, a building coverage of 45% provides a good balance of open space to buildings. This would assist in providing a transition from the lower density residential and open space to the east through to the higher density opportunity within the core of the village and would assist with protecting existing residential amenity as required by policy 41.2.1.18, which requires residential amenity, health and safety to be protected or enhanced.

- (e) Having viewed the physical context including the residential development occurring to the western side of Homestead Bay Road, the recently completed Childcare and Medical Centre development (8m height), and the open space and mostly single level dwellings to the east, I consider that a 12m height limit is too high for controlled activities and 8m would be more appropriate. The parts of the land fronting Maori Jack Road and McAdam Road could warrant slightly taller buildings to assist with creating landmarks at the entry to the village. I understand that the height standard (Rule 41.5.2.4) may be beyond challenge, however I consider there is tension between Policy 41.2.1.18f., which requires an appropriate scale of activity and form of building development, and Policy 41.2.1.19d., which seeks a three-storey outcome in the village. My recommendation does not prevent a three-storey outcome in the village, however on this land, I suggest it should require a discretionary consent. In this regard, building height standard 41.5.2.4 provides for buildings at heights greater than 12m in the village as a non-complying activity. To achieve my recommendation, standard 41.5.2.4 would need to change to include a Restricted Discretionary status for buildings taller than 8m for that part of the Village on the subject land,

and the assessment criteria<sup>5</sup> could then point to the desired outcomes where additional height assists with the form of the village such as fronting the streets at the northern and southern end of R-7 area and fronting Homestead Bay Road opposite R3 and R4 areas, and or in response to the existing environment at that time. If the standard is retained, then 12m provides the opportunity but with no direction as to where this is appropriate.

## 2. INTRODUCTION

- 2.1 My full name is Nicholas James Rae. I am an Urban Designer and Landscape Architect. I am the Director of Transurban Limited, consultants on urban development. I hold a Master of Urban Design from the University of Sydney and a Bachelor of Landscape Architecture (Honours) degree from Lincoln University. I have approximately 23 years' experience in this field in New Zealand, the United Kingdom, France, Portugal, Saudi Arabia, and Australia.
- 2.2 My evidence is provided at the request of the RPC.
- 2.3 I regularly provide advice on urban design and landscape matters, followed by assessments for development proposals on the same matters, including a range of residential, retirement villages, subdivisions for large greenfield sites, commercial office and retail spaces, and industrial developments. I have also provided advice on a number of plan changes relating to urban development. I have experience with the detailed design and implementation of development projects.
- 2.4 I have been involved by providing urban design opinion and evidence in a number of plan review and plan change processes, including the Independent Hearings Panel ("IHP") hearings on the Proposed Auckland Unitary Plan ("PAUP"). I have appeared as an expert witness on a number of occasions in the Environment Court.

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<sup>5</sup> I note there is no assessment criteria contained within the PDP to provide guidance on the matters of assessment for controlled activities.

- 2.5 Recently, I have provided urban design advice and evidence for other Plan Changes or District Plan reviews including:
- (a) Proposed New Plymouth District Plan – Provided advice on various parts of the proposed plan to support submissions including view protection, zone provisions for commercial, mixed use and residential activities, and the application of zones across the city.
  - (b) Proposed Central Hawkes Bay District Plan – Similar to a) above.
  - (c) Plan Change 26 in Tauranga City – assessment of the proposed intensification in the Te Papa peninsula in Tauranga City in regard to the existing viewshafts that seek to retain views to the Mauao (Mt Manganui).
  - (d) Plan Changes 51 and 61 to the Auckland Unitary Plan – Provided assessment and evidence to support submissions on the proposed new town and residential areas at Drury West.
- 2.6 Further examples of my experience are included in **Attachment A**.
- 2.7 I have also been involved with providing advice and design direction for three recent retirement villages, apartment building proposals, terrace housing proposals, affordable housing solutions, significant landscape solutions including significant lengths of coastal, wetland and stream rehabilitation as part of urban development integrating access and providing high amenity open space.
- 2.8 I am a member of the Urban Design Forum, Resource Management Law Association, and the New Zealand Institute of Landscape Architects.
- 2.9 I have visited the subject area previously, but with specific reference to this matter I carried out a site visit on 26<sup>th</sup> April 2022 at which time I visited locations on the public road network and reserves in and around the village, and on the subject land.

### 3. CODE OF CONDUCT

3.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### 4. SCOPE OF EVIDENCE

4.1 The scope of my assessment and evidence is limited to the matter of whether the Jack's Point Village CDP should enable Medium Density Residential development or Mixed-Use development on the subject land as a Controlled Activity.

### ASSESSMENT METHODOLOGY

4.2 The methodology for my assessment is set out as follows:

- a) Considered revised draft Chapter 41 of the Proposed Queenstown Lakes District Plan, containing the revised draft Jacks Point Structure Plan, and the revised draft comprehensive development plan<sup>6</sup>;
- b) Considered the revised draft Jack's Point Village Design Controls which are Part 2 of the draft CDP, included in response to policy 41.2.1.19a, which requires as part of the CDP "*design controls* in relation to buildings and open space."<sup>7</sup>

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<sup>6</sup> Final Revised Drafts as submitted to the Court on 3 May 2022 – but noting the apparent error in CDP Plan1 as covered in my footnote 1.

<sup>7</sup> In his evidence, Mr Edmonds at paragraphs 4.23 – 4.25 refers to "Design Guidelines" as having been included in the s 293 documents, whereas these are Design Controls and are part of the CDP documents. I am advised that there is a separate process of design approval required at Jack's Point by the JPROA Rules, with Design Review Boards, that provide design approval and use Design Guidelines as part of that process. (<https://static1.squarespace.com/static/5a5d8250abd0443adf31857/t/61538a18a4dfca03646829bd/1632864830014/Village+Design+Guidelines+25082021.pdf>) It appears Mr Edmonds has confused that separate non-statutory approval process with that required by policy 41.2.1.19 and the Chapter 41 rules, which is what my evidence addresses.

- c) Reviewed the statement of evidence of John Edmonds dated 15 November 2021;
- d) Undertook a one day site visit to the location to understand and appreciate the existing context;
- e) Undertook an area calculation to understand the quantum of Mixed-Use activity area proposed within the Jacks Point Village CDP and compared this to the Five Mile development in Frankton;
- f) Reviewed the plans within the resource consent for the land under construction on the corner of Homestead Bay Road and Māori Jack Road (R-2) to understand the proposed contribution this development has as part of the existing environment;
- g) Considered the options from a first principles urban design perspective;
- h) Reviewed the Statement of Evidence of Mr Timothy Heath<sup>8</sup> on retail economic matters provided to the Independent Hearings Panel (“IHP”) with particular focus on the role and function of the Jacks Point Village;
- i) Reviewed the IHP report recommending decisions on submissions to Chapter 41 (Jack’s Point zone), with particular reference to the recommendations in respect of the Village;
- j) Reviewed the report by Ms Victoria Jones dated 1<sup>st</sup> February 2022;
- k) Developed assessment criteria;
- l) Reviewed the resident population survey<sup>9</sup> with interest in the percentage of people that reside in Jacks Point versus those dwellings that are used by people holidaying;
- m) Undertook my assessment;

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<sup>8</sup> Dated 17 January 2017

<sup>9</sup> Jacks Point 2020 survey results provided by RPC



n) Culminated my findings and recommendations in this statement of evidence.

## 5. PLANNING CONTEXT

5.1 I have assumed that the PDP objectives and policies contained within the agreed Chapter 41 (Jacks Point) give effect to the regional policy statement and the higher order strategic chapters in the PDP. I do not propose to comment on these higher order matters.

### Outstanding Natural Features and Landscapes

5.2 While the Jacks Point Village is not identified on land that is defined as an Outstanding Natural Feature or Landscape (“ONF” & “ONL”), it sits within the context of the Pensinsula Hill, and Kawarau River ONF, and the Western Remarkables and Homestead Bay Environs ONL. The landscape contributes to high amenity values.

### Objectives and Policies

5.3 There is one Objective (41.2.1) within the Jack’s Point zone as follows:

*“Objective - The establishment of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities with appropriate regard for landscape and visual amenity values, and within a framework of open space and recreation amenities”.*

5.4 The development and activities within the Jacks Point Village will be a key component in assisting to achieve this objective, supported by the policies. The following policies in particular apply to the Jacks Point village.

5.5 Policy 41.2.1.17 provides for the following activities in this village:

a) *“Enable the Jacks Point Village Activity Area (V(JP)) to develop as the vibrant mixed use hub of the Jacks Point Zone, comprising a range of activities including:*

*I. high and medium density residential housing;*

- II. *a small local shopping centre that services the needs of Jacks Point residents and provides for small scale destination shopping and office space;*
- III. *visitor accommodation;*
- IV. *education facilities, community activities, healthcare, and commercial recreation activities;*
- V. *technology and innovation-based business.*

5.6 Policy 41.2.1.18 enables non-residential activities while ensuring residential amenity and safety are protected or enhanced:

*"Enable commercial and community activities and visitor accommodation in the Jacks Point Village (V(JP)) and Homestead Bay Village (V(HB)) Activity Areas, provided residential amenity, health, and safety are protected or enhanced through:*

- a) compatible hours of operation and noise;*
- b) a high standard of building design;*
- c) the location and provision of open space, buffers and setbacks;*
- d) appropriate landscape mitigation;*
- e) efficient design of vehicle access and car parking; and*
- f) an appropriate scale of activity, and form of building development.*

5.7 Policy 41.2.1.9 encourages high quality urban design in the village as follows:

*"Encourage high quality urban design throughout the Jacks Point Village (V(JP)) and Homestead Bay Village (V(HB)) Activity Areas by:*

- a) requiring all subdivision and development to be in accordance with a Comprehensive Development Plan incorporated in the District Plan (Schedule 41.9), which shall establish an integrated and coordinated layout of open space; built form; roading patterns; pedestrian, cycle access, and carparking; the land uses enabled within the buildings; streetscape design; design controls in relation to buildings and open space; and an appropriate legal mechanism to ensure their implementation;*

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

### Activity Status

- 5.8 Chapter 41<sup>10</sup> provides for the listed activities within the Jacks Point Village as Controlled activities provided they are in accordance with the CDP incorporated in the district plan, and assessed with regard to the significant matters of control relating to the design and location of activities. I also note that the matters of control include: "(c) the density and location of any proposed residential activity;" and (d) "the location of any proposed commercial and community activity".
- 5.9 I understand that any activity not in accordance with the CDP would be a Discretionary activity pursuant to 41.3.2.1. If the subject land is controlled by the CDP land use R-1 to R-7, then I understand any land use activity other than Medium Density Residential would be a Discretionary activity.
- 5.10 I understand Rule 41.3.2.5 provides that non-compliance with a Standard in Rule 41.5 (such as non-compliance with a building coverage standard) is a restricted discretionary activity ("RD"). I have considered the Standards applying to the Village Activity Areas (Table 7, 41.5.2), and note the proposed revised building coverage Standard 41.5.2.2. I consider that the RD opportunity will enable the appropriate assessment where that standard is not complied with, and an opportunity is sought for higher building coverage. I note the restricted discretionary matters include

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<sup>10</sup> 41.4.2.1

“urban design” and “effects on amenity values for neighbours and the character of the Activity Area.” I consider this control to be particularly relevant to the land area in question given its context is the broader landscape and residential neighbourhoods east of Homestead Bay Road.

## CDP

- 5.11 I have received a three page word document titled Jacks Point Village Comprehensive Development Plan Draft, 6 April 2022. This refers to Part 1 comprising three regulatory plans, also received in pdf format dated 24/03/22<sup>11</sup>, and Part 2 comprising the Design Controls.
- 5.12 The three plans set the expectation of the type and location of activities, roads, open spaces and other pedestrian and cycle connections. CDP - Plan 3 sets out that the subject land is required to have two pedestrian connections bisecting in a roughly east – west orientation connecting the existing open space to the east to Homestead Bay Road, one of which is to include a cycleway connection. These two connections appropriately align with existing access to the east of the open space to the east of the subject land.
- 5.13 The CDP – Plan 1 Land use Areas (CDP-017.01 Rev K) sets out the land use areas including Mixed Use, Visitor Accommodation, Medium Density Residential<sup>12</sup>, Community and Public Realm. Each enable different land use activities pursuant to a Controlled Activity Resource Consent as set out in 41.4.2. Control is reserved to design and layout of buildings, open spaces, roading, parking, how buildings address public space, density and location of any proposed residential activity, commercial and community activity, landscaping, streetscape design, design controls, management of storage / servicing, and traffic effects.
- 5.14 The CDP – Plan 1 referenced above includes an R-6 and R-7 notation (medium density residential) applying to the subject land. The alternative proposed by RCL (the current landowner) is Mixed Use.

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<sup>11</sup> but noting the apparent error in CDP Plan1 as covered in my footnote 1.

<sup>12</sup> Subject to the matter covered in Footnote 1.

- 5.15 A subdivision consent has been granted to create four superblocks. The lot boundaries are located such that the required connections are likely to bisect Lot 2, and potentially along the boundary between Lot 3 and 4. Clause 41.5.5.1 enables these public access routes to follow different alignments provided that any such alignment enables a similar journey. I am not aware whether this subdivision has been given effect to as it is not included in the Council GIS viewer. Regardless, I consider it not relevant for the consideration of land use.

### Standards

- 5.16 Rule 41.5.2 (Table 7) sets out the standards for development on the subject land and I provide a summary below comparing the two options under consideration (medium density residential and mixed-use activity areas).

	Residential (R-1 to R-7)	Mixed Use (M-1 to M-16)
Height	12m (up to 3 storeys) <sup>13</sup>	12m (up to 3 storeys)
Building Coverage	45%	60%
Each Commercial Activity (GFA Max)	N/A	200m <sup>2</sup>

- 5.17 The main difference in potential bulk between the two land uses from an urban design aspect is the higher height (if my recommendation is accepted) and site coverage provided for by the mixed-use land use. I am not aware of existing evidence to support 45% or 60% building coverage. Ms Jones<sup>14</sup> supported in her 3 February 2022 report proposed changes to Chapter 41 including:

- (b) amending the maximum building coverage from 60%, calculated across the total Activity Area, to specific maximum building coverage percentages for each Land Use Area, ranging from 45% to 60%;

- 5.18 I understand there is an agreed outcome in this respect which is that set out in the latest revised Chapter 41 submitted to the Court 3 February 2022, rule 41.5.2.2.

<sup>13</sup> I note my recommendation is for an 8m maximum height as a controlled activity in areas R-6 and R-7.

<sup>14</sup> Ms Jones Para. 6.12

- 5.19 I interpret this to mean that a maximum of 60% of each identified Mixed Use and Visitor Accommodation land use activity area as shown on the CDP Plan 1 could be covered with buildings, with the remainder being access, parking and open space (landscape). A maximum of 45% of each identified Medium Density Residential and the Community Activity Land-use areas could be covered in buildings with the remainder being the same.
- 5.20 I consider that to achieve a built form principle within the village that transitions from the lower density residential adjacent to a higher density core and where the height standard is 12m across the entire area, a lower building coverage on the periphery increasing to the core is a suitable standard for controlled activities. In terms of the existing environment, the residential development under construction opposite the subject land west of Homestead Bay Road (refer Figure A below) is approximately 29% building coverage.<sup>15</sup>
- 5.21 Higher building coverage may also be suitable with the right design, and this could be achieved with a restricted discretionary consent (as I understand the latest version of the zone standard 41.5.2.2).

### Relevant Design Controls in Part 2 of the CDP

- 5.22 Design Control 2.1.1 specifies a minimum number of residential units on a site (I note this not a building coverage control). On the subject land this would equate to a minimum of 6 units on the southern block and 53 units on the larger block<sup>16</sup>. There is no maximum limit.
- 5.23 This is significantly different to the R(JP)-1 area to the east which provides for a relatively low average density of 13 – 19 dwellings per hectare, (or 1 approximately dwelling per 526m<sup>2</sup> – 770m<sup>2</sup> average net site area). I am comfortable that the CDP enables a higher density in the village than in the neighbouring R(JP)-1 area for example, to achieve policy 41.2.1.17. The Mixed-Use land use area provisions include

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<sup>15</sup> Calculated from the landscape masterplan drawing 247\_SK-001 Rev D for Southern Lakes Accommodation Limited (RM200912 and RM200115) obtained from Queenstown Council e-docs .

<sup>16</sup> Calculated using the advice note in 2.1.1 assuming the whole site area is the net site area. Site 1 = 18,466m<sup>2</sup>/350=53 units, and Site 2, 1,898/350=6 units.

no minimum (or maximum) requirement for residential, and there is no density limit for residential units. This would also enable the expected higher residential density to be achieved, but the outcome may not include residential. Including the Medium Density Residential land use area in the village provides a clear expectation that these areas should provide residential activity at a higher density than surrounding residential as a transition to the mixed use areas focused around the local shopping area overlay<sup>17</sup>.

### General Zone wide standards

- 5.24 Rule 41.5.5 sets out the general zone wide standards and as they apply regardless of the Land use activity area, I consider that they have no impact on the most appropriate land use activity for the subject land east of Homestead Bay Road.

## 6. ASSESSMENT CRITERIA

- 6.1 Ultimately, the CDP is part of the suite of methods used in the District Plan to achieve the objectives and policies with the fundamental objective of "*The establishment of an integrated community*". I have not found clear criteria or a methodology within the evidence of John Edmonds or Ms Victoria Jones for determining which land use classification would best achieve the objectives and policies. Ms Jones' included comments that the Council was concerned that "there is the potential for an unusual mix and graduation of activities as well as potential interface issues with the residential area adjoining R-6 and the nearby residential areas relatively close to R-7"<sup>18</sup>.
- 6.2 I have developed the following assessment criteria which I consider enables detailed consideration of the matters:
- (a) What should occur in the village to be a vibrant, integrated, mixed-use hub?
  - (b) What is the appropriate scale of commercial activity?
  - (c) Amenity attributes of the village and where should activities be encouraged?

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<sup>17</sup> As depicted on CDP Plan 1

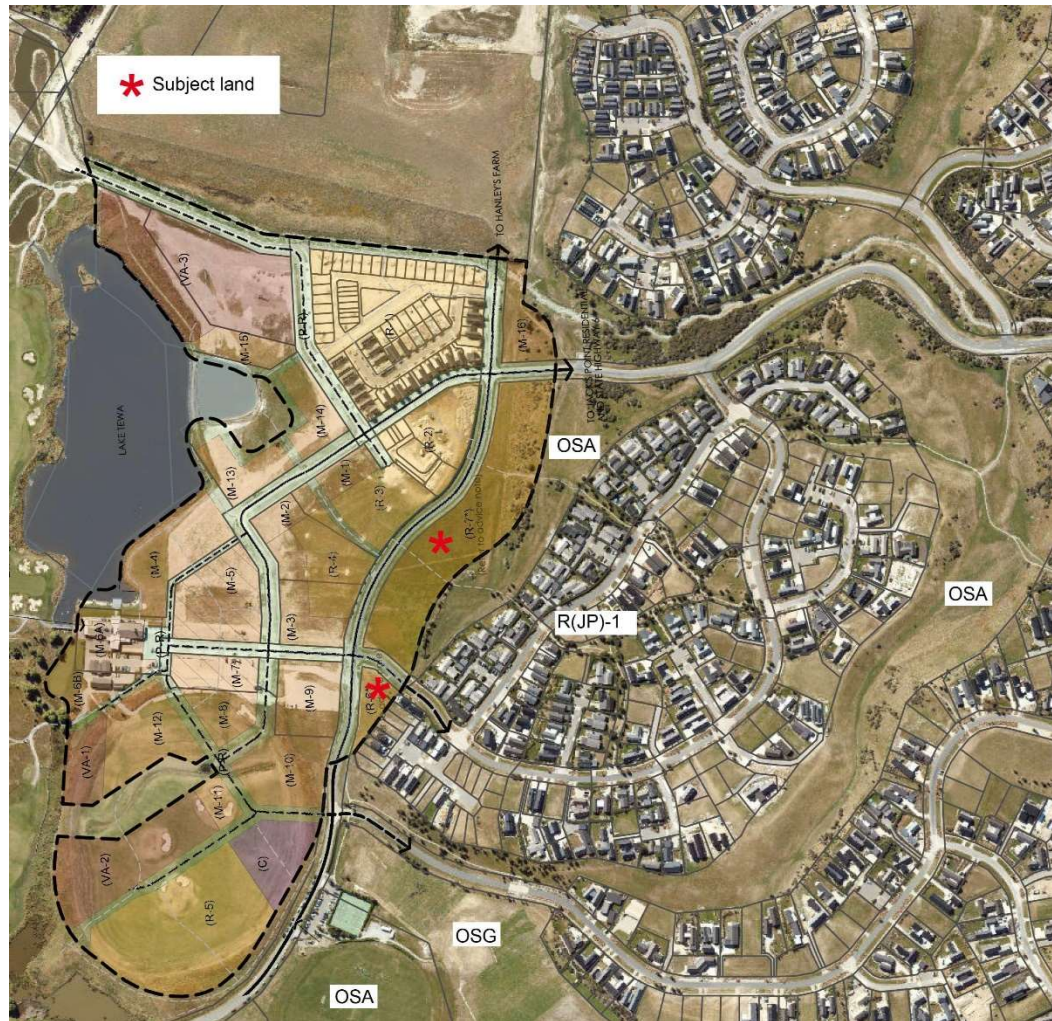
<sup>18</sup> Ms Jones para 5.26

- (d) How best to protect or enhance existing residential amenity, health, and safety, and integrate this with the village?
- (e) What is the appropriate scale of residential, and visitor type accommodation to integrate with the existing community?
- (f) What is the appropriate scale and form of building development on the subject land, given the existing context and the height control providing for of a 12m/ three storey outcome for the village?
- (g) What configuration of land use activities best achieves policy 41.2.1.19(a)?
- (h) What land use minimises the shading of public spaces to achieve policy 41.2.1.9(b)?
- (i) What land use best responds to and has regard for landscape and visual amenity values?

## **7. SITE CONTEXT**

- 7.1 Figure A is an aerial photograph overlaid with the CDP Plan 1 providing the context of the subject land.





**Figure A** – Aerial obtained from District Council GIS, overlaid with the CDP Plan 1 (rev K) located approximately by eye.

- 7.2 The existing environment includes development under construction opposite the subject land west of Homestead Bay Road (R-2) and is assumed to be in accordance with the following masterplan (Figure B) being part of the drawings included in the resource consent<sup>19</sup>. This illustrates 9 two level duplex forms with gable roofs fronting the street and with gaps between each duplex with planting. This is estimated to have a building coverage of 29%.
- 7.3 The M-7 land is also under construction as illustrated in Figure H below with a commercial ground floor and two and three levels of residential type activity above.

<sup>19</sup> Obtained from Queenstown Lakes District Council 'edoc' website, I note that some revisions to this consent have been made, but I understand the plan used represents the bulk and location of proposed buildings.



**Figure B** – Proposed two storey residential development west of the subject land on R-2 with an estimated 29% building coverage.

- 7.4 The following photographs illustrate the existing context from a number of locations around the subject land.



**Figure C** – View from McAdam Drive at end of open space (OSA) looking northwest, subject land is the rough grass area (lighter brown) with the development on the R-2 land to the left of the trees in the middle of the photo and the existing two level Residential in the R-1 area beyond. This illustrates the relatively low building form in the significant scale of the surrounding landscape.



**Figure D** – View from the northwestern corner of Maori Jack Road and Homestead Bay Road with the subject land to the left with the existing residential beyond, and the two level R-2 development to the right. The well-integrated built form with vegetation is illustrated here.



**Figure E** – View from Maori Jack Road heading west, subject land to the left and the medical centre and childcare to the right with development on R-1 (right) and R-2 (left) beyond. This illustrates the scale of the existing context and the dominance of the wider landscape.



**Figure F** – View from McAdam Drive looking south over the smaller parcel of the subject land (R-6) and existing residential to the left abutting the boundary and Homestead Bay Road to the right.



**Figure G** – View overlooking Lake Tewa and the clubhouse to the left and the golf course in the background with the southern alps in the far background. Illustrates the high amenity landscape provided by these elements.



**Figure H** – View looking east along McAdam Drive with the Remarkables in the background, towering over the existing residential of Jacks Point beyond the village. The development to the right is a mixed use three and four level building under construction (M-7).

## **8. EXISTING AMENITY VALUES**

- 8.1 The landscape and visual amenity values as I assess them include: – very high value for the views to the wider landscape, low impact of the zone development on these views, maintaining natural landform, high architectural and landscape solutions for each lot contributing to an overall open and vegetative dominant landscape character, high quality streetscapes, both visually and functionally with a relaxed design. Lake Tewa provides a focal point for the village adding to the amenity value of the village area. The golf course provides high amenity values both visually and for those who use that resource.

## **9. ASSESSMENT OF OPTIONS**

*What should occur in the village to be a vibrant, integrated, mixed-use hub?*

- 9.1 In my opinion, a vibrant village is a place with high amenity spaces, where people enjoy walking and stopping to visiting a range of retail and commercial services and open spaces. These offerings should provide for different activities through the day

and into the evening, enabling people to use the area at all times. A vibrant village benefits from people residing within the village core in addition to those further away. The connections within and to those more distant locations need to be clearly identifiable, logical, accessible, and safe, to successfully integrate with Jacks Point as a whole.

- 9.2 As with most mixed-use zones, there is no requirement for a mix of uses on any site, however direction as to where activities should be located (as per the CDP) will assist with achieving the objective.

***What is the appropriate scale of commercial activity?***

- 9.3 My initial reaction to the village land use areas in the CDP was that it is a good way to encourage activities to particular parts of the village. While I am not an economist or expert in retail and commercial demand, my experience provided me with a basis to question the potential retail or commercial services provided for by the extent of mixed use following calculating the approximate areas of the Mixed-Use land use areas on Plan 1. This equates to approximately 4.1ha of potential ground floor area, being 60% of the total land area of 6.8ha. For comparison, the Five Mile development has a ground floor area of approximately 2.6ha on a total site area of 5.4ha. Refer to Attachment B for a plan of the areas and the calculations.
- 9.4 I understand that the only economic evidence on this matter was provided by Mr Heath for the IHP hearing in 2017. This evidence supports my concern even though Mr Heath discussed a different land use pattern. At that time, Mr Heath calculated a sustainable GFA forecast to 2038 for retail and commercial services. That was then converted to a land requirement, and he stated: *"the 'at capacity' total land requirement for Retail and Commercial Service activities within the Jacks Point catchment equates to around 2.2ha if all the provision was developed at ground level"*<sup>20</sup>. He stated that the 2.2ha provision could be reduced if a portion of the commercial services (offices) were developed as part of a multi storey development.

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<sup>20</sup> Mr Heath Para 5.20. Mr Heath used a 1:1 ratio of Retail to Commercial services, and did not include community facilities, parks, reserves or playgrounds. The land area requirement uses a 50% ratio to the GFA for parking and landscaping.

9.5 I don't know if Mr Heath has the same opinion today, but even if there was a significant change in demand and more land was required, it is still well below the opportunity provided by the Mixed-Use land use activities as illustrated on the CDP Plan 1. This means there is a large amount of land available for other activities provided for in the Mixed-Use land use area including further residential, visitor accommodation, community activities, and non-accessory parking. The IHP report states that "there was good cause to believe that the zoned size of that activity area [JP(V) at that time] was far in excess of the foreseeable commercial needs" and "there was no scope to reduce the size of the JP(V) Activity Area below 15.07ha"<sup>21</sup>. That statement was made noting that a wider range of activities were provided for in the JP(V) activity area. I consider that the CDP addresses the issue of enabling too much land for commercial activities. Mr Heath's evidence suggests to me that enabling further commercial or retail activity (such as through the Mixed Use land use) on the subject land is not appropriate.

***Amenity attributes of the village and where should activities be encouraged?***

9.6 The existing amenity provided by Lake Tewa and the views to the golf course are superior to the amenity surrounding the subject land. In my opinion, as a village for residents and visitors, and given the high quality urban design expectations, the retail, food and beverage and entertainment type activities should be located close to the lake and around the planned village square which is part of the roading network immediately east of M-6A. Active uses are encouraged and no residential activity should occur at ground level<sup>22</sup>. The Village Green also as agreed by reference to the CDP Plan 3 provides another open space and is intended to be a place for community gathering. The buildings around it should support its use as a lively, well defined, and active space<sup>23</sup>. Residential is not anticipated at ground floor, rather food and beverage uses are.

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<sup>21</sup> IHP Report Para 151

<sup>22</sup> As per page 32 of the Village design guidelines

<sup>23</sup> As per page 34 of the Village design guidelines

- 9.7 While Homestead Bay Road would provide a passing trade which could be beneficial to business activities along its edge, there is a risk that a commercial offering here would result in a fragmented retail core. The outlook to the developing two level residential developments opposite does not provide a particularly high amenity environment for a retail / commercial setting.
- 9.8 If additional commercial activity or community facilities are considered appropriate on the subject land, in my opinion these should be encouraged to locate first at the northern end of the subject land opposite the recently completed medical centre and childcare at the main entry to the village, and secondly at the southern end of the larger of the two parcels of the subject land which is also another entry to the village. Non-residential activity could assist with creating landmark outcomes at these locations. I support any proposals of this nature being dealt with through the discretionary activity pathway.
- 9.9 The subject land is well placed to provide a very good residential offering and the proposed R-6 & R-7 would require (as a minimum) a residential outcome through a controlled activity status.

***How best to protect or enhance existing residential amenity, health, and safety, and integrate this with the village?***

- 9.10 Providing residential land uses alongside existing residential as the "default position" is in my opinion the best method of limiting potential effects on the existing neighbourhood. I consider that the small southern lot within the subject land (R-6) is most suited to residential as it directly abuts the R(JP)-1 activity area where dwellings have been established and their living space is oriented towards the subject land.
- 9.11 The open space area to the east of the remainder of the subject land varies in width from very narrow at the south to very wide at the north. This open space provides some separation and can assist with managing effects of other activity types that could have adverse effects on the existing residential amenity. A residential use would avoid the potential impact on the existing residential amenity from commercial



activities. Car parking, signage, lighting and night time activity, servicing and noise are potential elements that could cause adverse effects.

*What is the appropriate scale of residential, and visitor type accommodation to integrate with the existing community?*

- 9.12 Where possible residential and visitor accommodation should be encouraged in the village in appropriate locations. Permanent residents are very important to contribute to the vibrancy and sustainability of the village in my opinion. Ideally there is a resident base that supports the commercial, visitor and community offerings, while also catering for visitors. This is occurring in the existing developed areas as illustrated in the response to a survey in 2020, where of the 304 responses, the majority noted that their home was their primary residence and 52% of these homes included children, with 14% as a secondary or holiday property, and of that 3.6% let on a short term basis when not in use. 7.5% of respondents rented their property full time.<sup>24</sup> It is clear that Jacks Point is attracting permanent residents, and I expect that a greater range of dwellings in the village would also attract permanent residents. I expect that a higher proportion could be used as short term accommodation.

*What is the appropriate scale and form of building development on the subject land, given the existing context and the height control providing for a 12m/ three storey outcome for the village?*

- 9.13 In my opinion, 12m is too high on the subject land due to the one and 2 storey existing residential to the east in the Jack's Point residential neighbourhood, the two level development occurring opposite on the land identified in the CDP as R-2 and the potential for a built form of the village which does not assist with identifying the core. Attachment C includes three sections through the subject land roughly east to west illustrating the existing and planned heights. This has been prepared by Transurban under my direction, based on the GIS information available on the Council website. This has assisted me with my consideration on height.

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<sup>24</sup> Jacks Point 2020 survey results provided by RPC- refer Attachment D

- 9.14 A maximum height of 12m is used in other plans for three storey outcomes, however they generally include a provision for roof form to encourage pitched roof forms and to ensure that a flat roof four level building is not able to be developed. Standard 41.5.2.4b. uses this concept but only to the extent to restrict buildings to no more than three storeys. I understand that this height control is no longer subject to appeal, but if the Court were able to amend this provision as part of this s293 process, I consider an 8m standard applying to R-6 & R-7 would better enable a built form consistent with neighbouring residential development – both existing residential to the east and the recently completed and that currently under construction west of Homestead Bay Road within the Village. A three-level outcome supports a higher population potentially, which I support within the village, however I have considered this also in regard to the other policies. I consider that the provision for a three-storey outcome in the village as per policy 41.2.1.19d. does not suggest that this should necessarily apply to all of the village area. In my opinion, the built form should respond to the character of the open space and the existing residential through provision of more open space on the site between buildings for tree planting, and a more urban response could be achieved along the frontage to Homestead Bay Road. The ground floor should have residential activities that address both the streets and the open space, consistent with the outcome being developed opposite.

*What configuration of land use activities best achieves policy 41.2.1.19(a) (offsetting lower density residential development in Jacks Point zone with higher density residential development and common open spaces to achieve efficient use of land and infrastructure)?*

- 9.15 Without knowing the exact detail of the mix of lower and high density residential that has been built or is under construction or what that mix is required to achieve the policy, I expect that the Structure Plan and the CDP is intended to firm up the mix in terms of location.

- 9.16 I expect that the Mixed Use land use will result in a higher residential density due to the higher building coverage standard, particularly where residential is enabled at the ground level. If higher residential density is desired in the village, then the mixed-use land use will meet this policy.

*What land use minimises the shading of public spaces to achieve policy 41.2.1.9(b)? (It is assumed that the open space to the east of the subject land is a public space along with publicly accessible spaces within the subject land)?*

- 9.17 Assuming the same development standards apply except for building coverage, the application of the residential land use on the subject land would result in a smaller building bulk enabling opportunities for more sunlight through to the open space to the east in the afternoon depending on the layout. My recommendation of an 8m height limit as a controlled activity would also achieve benefits.

*What land use best responds to and has regard for landscape and visual amenity values?*

- 9.18 In my opinion, the subject land is well placed to provide a transition to the higher density village core. I understand that the mix of buildings within vegetation throughout the established areas of Jacks Point are important elements that contribute to people's appreciation of the area. As reflected by policy 41.2.1.10., the residential land use as identified on the draft CDP provides greater opportunities through lower building coverage standards for planting. The landscape treatment is important for the integration with the existing and is a matter for consideration for a controlled activity (41.4.2.1). The lower building coverage is likely to also provide greater opportunities for views to the wider landscape from within buildings which is another contributor to visual amenity value.

## **10. CONCLUSION**

- 10.1 Having considered the two land use activity options as controlled activities for the subject land (medium residential or mixed use) against my assessment criteria, I am

of the opinion that the medium residential land use activity better achieves the objective and policies 41.2.1.17 – 41.2.1.19, as this enables a residential outcome that will support the village core, while not adding significantly more opportunity for commercial activities which could further dilute the potential for a successful commercial core. It also appropriately manages the interface between the existing residential and the village core.

10.2 I consider there are opportunities for some commercial or community activities on the subject land, and these should be directed to the northern and southern parts of the larger of the two lots addressing these corners to contribute to landmarks at these entry points to the village. In my opinion, these are best provided for as a discretionary activity.

10.3 I have discussed issues I have identified with some of the provisions, namely:

- (a) the 12m height standard on this land for Controlled activities and recommend this be 8m with the ability to have taller buildings through a restricted discretionary activity assessment. This would require a change to the height standard and apply a discretionary status for those activities that do not comply with 8m. I accept this recommendation could be out of scope, however it responds to the existing physical environment and an outcome that protects or enhances residential amenity.
- (b) The building coverage standard being different for the two activities, rather than what is appropriate for the land and context. While being mindful of not wanting to inappropriately limit the opportunity for residential activity as provided by the 60% building coverage in the mixed-use land use, I consider Medium Residential is the better land-use activity for areas R-6 & R-7, and I also consider 45% better responds to the policy direction as a whole and the physical context for managing Controlled activities.

**Nicholas James Rae**

Attachment A – Examples of Experience

Attachment B – Mixed use area calculation and Five Mile area calculation

Attachment C – Sections illustrating potential scale of buildings

Attachment D – Jacks Point survey results 2020

### Attachment A – NJ RAE - Experience examples

- (c) Plan Change to rezone the western side of the airport at Frankton (Queenstown) – This involved providing advice and evidence on behalf of a submitter on the importance and management of views to the Remarkables mountain range.
- (d) Kingseat – Proposed concept plan to support submissions on the then Franklin District Plan Rural Plan Changes, which followed closely by evidence to the IHP for consideration in the AUP. This considered a wider area of land than originally proposed at a scale that would better provide for and support the local community with retail and school provisions. It suggested different commercial centre locations and roading networks along with some light industrial and residential zones. The concept was not taken up at that time.
- (e) Clarks Beach – Proposed masterplan, Precinct plan and zone provisions and evidence to support a Special Housing area proposed for 50ha of land in the then Future Urban Zone to the eastern end of the existing development at Clarks Beach. This included proposed new road alignments, comprehensive open space networks also providing for a new ‘stream’ and coastal outfall and coastal rehabilitation, a neighbourhood centre and a mix of residential opportunities. Approximately half of this is consented and of that 4/5ths of the subdivision has been constructed.
- (f) Silverdale South – Proposed an alternative development pattern and land use (a mixed use and residential outcome proposed) for the area known as PC123 to the Rodney District Plan which was approved, and then included into the AUP as a General Business zone and Mixed Housing Urban zone. This is land to the south and east of the Silverdale Busway station and park n ride facility. Significant development work is underway with many houses built along with commercial development constructed and consented. The Botanic Retirement village is now part of this development, providing for

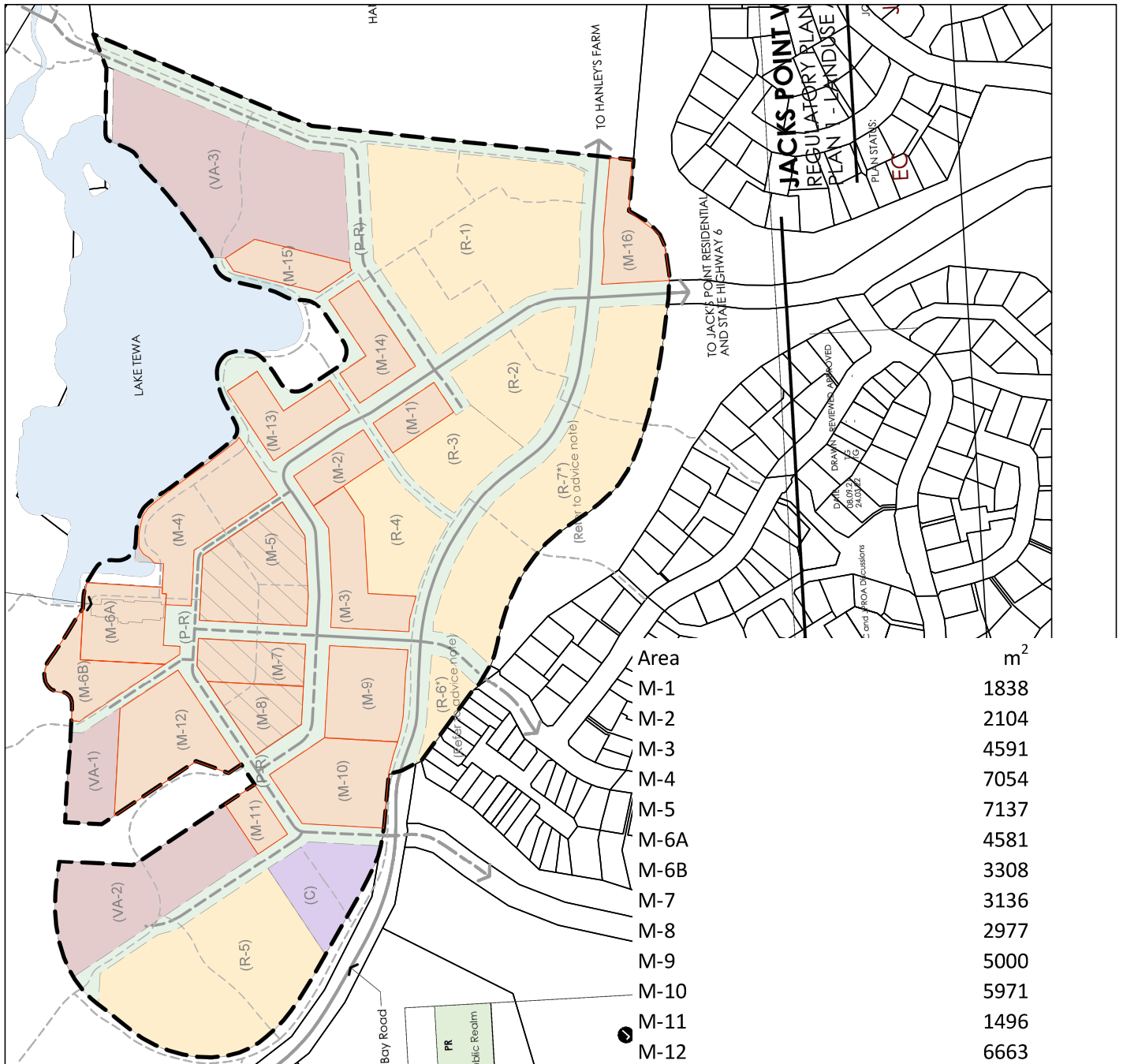
around 500 units south of the park n ride. I assisted with the design and consenting of that development.

- (g) Kumeu Town Centre – Masterplan, Precinct plan and provisions to support an application for a private plan change in Kumeu. This has resulted in a Town Centre zone and Mixed Housing Urban zone to the north east of the State Highway 16 and railway. Much of this is under construction, including buildings I have been involved with from a design perspective.
- (h) Takanini Town Centre (east) – Masterplan, Precinct provisions and evidence to support opposition to a Council Plan Change proposing the land at 30 Walters Road to be residential. This has resulted in a Town Centre zoning through both the original plan change and the AUP process consistent with the structure plan. The structure plan included a train station (new Takanini station) abutting the land, however no station has resulted even following the developer offering to build the platforms. The land has been developed and is largely retail with some medical, offices and real estate agents. The development won a Property Council award in 2015.
- (i) Rototuna North Centre – I was involved with the design of this centre for the landowner along with provision for residential and interfaces with the proposed Waikato expressway. I have not been involved with the more recent zoning and consenting and implementation of the centre.
- (j) Whilst not involved from a plan change perspective, I have assisted with the development of retail at Te Atatu Town Centre.
- (k) Rotorua Central – I provided advice to the master planning work for redevelopment of Rotorua Central which is a large block of land to the south of the Rotorua town centre.
- (l) America's Cup Resource consent – Providing advice and evidence on behalf of resident groups in the Viaduct Harbour in relation to the visual effects of the proposed America's Cup development proposed. This included

consideration of the effect on lower order views along streets and within the Viaduct harbour.

- (m) The Botanic Retirement villages – provided urban design advice and assessment as part of the applicant design team for a village in Silverdale and another in Riverhead in Auckland. Both include mixed use buildings and a range of dwellings.





Plan not to a scale

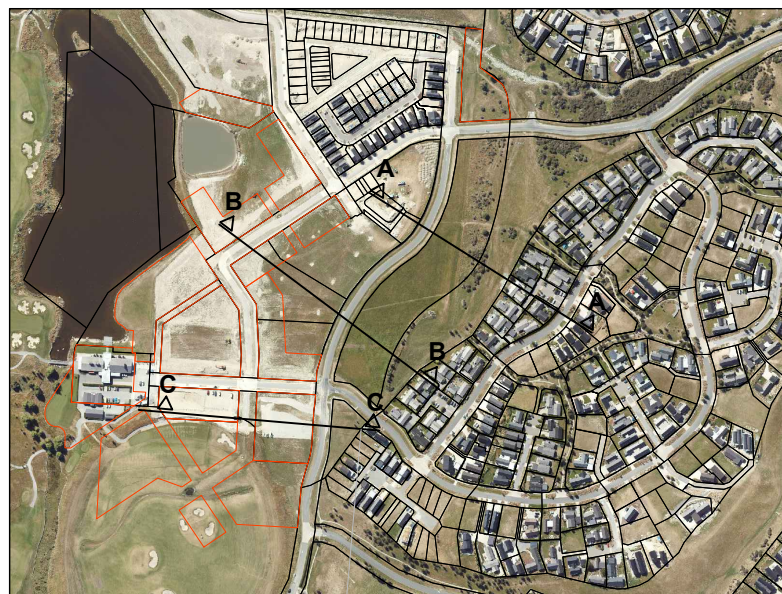
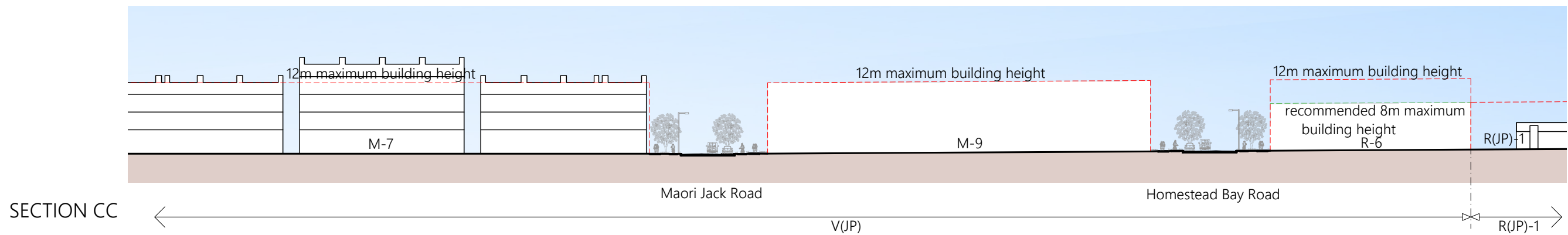
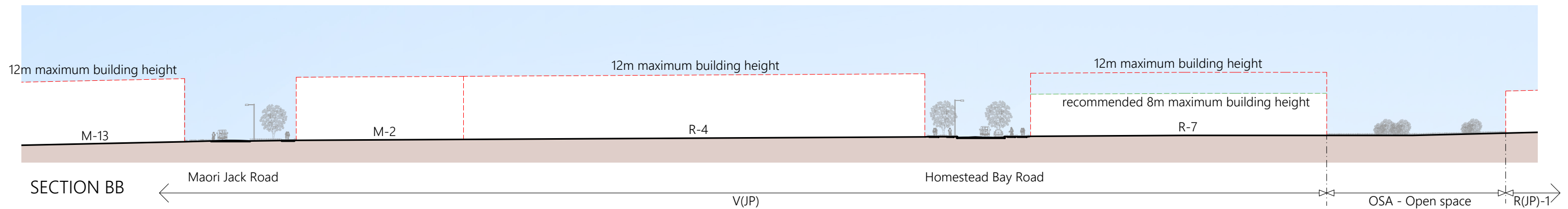
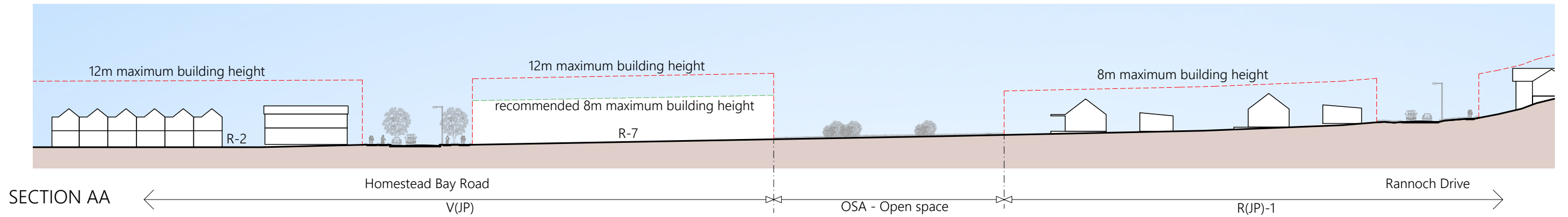
Five Mile	
car park and service areas	28184
Buildings	2077
	4010
	5704
	2506
	1964
	5680
	2965
	1285
<b>Total Building Area</b>	<b>26,191 m<sup>2</sup></b>
	2.6191 ha
<b>Total Site area</b>	<b>54,375 m<sup>2</sup></b>
	5.4375 ha
<b>Building footprint</b>	<b>48.17%</b>

Area	m <sup>2</sup>
M-1	1838
M-2	2104
M-3	4591
M-4	7054
M-5	7137
M-6A	4581
M-6B	3308
M-7	3136
M-8	2977
M-9	5000
M-10	5971
M-11	1496
M-12	6663
M-13	3494
M-14	3373
M-15	2632
M-16	3610
<b>Total MU Area</b>	<b>68,965 m<sup>2</sup></b>
	6.8965 ha
<b>Ground floor area (max) (60%)</b>	<b>4.1379 ha</b>

Methodology:

Cadastral data for parcels and aerial downloaded from Council GIS, opened in Autocad LT, inserted CDP Plan 1 over and scaled to fit. Boundaries of the MU land use areas drawn over Plan 1 and areas tabulated. Roads and open space areas excluded.

Five Mile areas taken from Council GIS web viewer (<https://qldc.maps.arcgis.com/>). The building areas are assumed building footprint.



Assumptions:

The sections have been drafted to illustrate the potential bulk resulting from the zone standards for permitted or controlled activities assuming the following:

1. Sections are based on spatial data down loaded from the Queenstown Lakes District Council GIS web app viewer;
2. Rule 41.5.1.3 does not apply;
3. Standards for restricted discretionary activities are not included;
4. Building coverage standards are difficult to illustrate in a section and depending on the layout of buildings, the bulk in the sections could reduce as a result;
5. Indicative existing buildings have been estimated in height or as per plans obtained where possible.
6. Building setbacks have not been included.

## **Jacks Point 2020 survey results**

Thank you to all of those who took the time to complete the annual survey. We had 304 responses, and this will help inform the decisions of your committee going forward.

We have prepared a summary of the results and here are some high-level directions you have given us:

### **You DO NOT want:**

- **The levies to increase**
- **Discretionary activities or developments that would increase amounts payable by Members**
- **The overarching landscape outcome of the reserves and open spaces to change**
- **Any activities that may increase the use of private spaces by the wider public**

### **You DO want:**

- **The Bylaws and the Jack's Point Constitution to be enforced**
- **More screening/softening of Hanley Farm boundary**

Question Responses,

(nb percentages provided are based on the number of respondents for that specific question):

### Occupancy

1. Most respondents (79%) noted that their property was already developed
2. The majority of respondents noted that their home was their primary residence, 14% of respondents used their property as a secondary or holiday residents with 3.6% of secondary residences being let on a short-term basis when not in use.  
7.5% of respondents noted that their property was rented full time, 3.4% of respondents rented an area of their home was rented full time and 3.4% of respondents noted that they rented an area of their home short term.
3. The majority of homes (81.5%), house two adults, 11.92% of properties exceed two adults in residence with the remaining properties being noted as less than two adults.
4. For those noting properties as their primary residence 48% of homes did not have children resident with 30% of homes having two children and 14% of homes noted as having one child. Only 5 percent of people primarily living in Jack's Point noted more than two children.

### Parking

5. The majority of residents (62%), kept two vehicles at their Jack's Point property with 19.5 % of respondents having more than two vehicles related to their property.
6. Over 90% of respondents noted that all vehicles related to their property could be accommodated on that property. 4.48% of respondents noted that they were using visitor carparking on an ongoing basis with 1.8% of these people noting that the reason for this was garages were required as storage space.
7. 11.2% of respondents may be interested in additional paid parking but this would be dependent on the price of that additional parking. 2.2% would be interested on additional paid parking spaces if they were undercover.

8. 36.5% of you thought that the level of enforcement for parking Bylaws was about right with 34.8% requesting a greater degree of enforcement. 11.8% of you thought the current level of enforcement was too heavy handed.
9. 42.6% of you thought that the JPROA should have records of all vehicle registration details with 44% of you thinking that was too intrusive or too much trouble.

#### Short term Rentals

10. The majority of respondents (26.4%), were ok with short term rentals subject to them being better managed in terms of both Bylaws and maximum nights.  
10% of you didn't believe that short term accommodation should be an option within the residential areas of Jack's Point and 8.8% of you were in favour of or didn't believe there should be any restrictions for property owners regarding short term rentals. 20% of you noted that you were not affected or bothered by short term rentals in your area.

#### Bylaws

11. 58.8% of you thought the level of enforcement was about right, 29.3% of you wanted a greater degree of enforcement and 12% of you thought that the Bylaws were over enforced.
12. With individuals that thought Bylaws needed better enforcing, the main areas (over 20% of respondents), were parking, dogs and contractors with short term accommodation, section and garden maintenance and construction and landscaping timeframes in the mid bracket 15% – 20% of respondents), and noise, rubbish, commercial activity and general property maintenance causing less of a nuisance (under 12% of respondents).

#### Maintenance, planting and amenities

13. 91% of you felt that open space and reserves were maintained to an accepted level.
14. 86% of you were happy with open space planting being maintained at its current levels.
15. 71.7 % of you were happy with communal spaces as they were now, 17.4% of you would like a community garden and would be happy to contribute towards that space.
16. People's opinions on additional fruit trees around Jack's Point were closely split with 45.8% of respondents happy with planting as it was, 27.9% of people wanted additional fruit trees and would be happy to support that at the cost of one tree, 22.3% of people supported additional fruit tree planting subject to their being no additional cost to residents
17. **Any other comments** – Please refer to the final section for other comments and JPROA responses

#### Trails

18. 62% of you noted that you would regularly use a bike track to Frankton once established with an additional 25% of respondents noted that they would benefit from occasional use.
19. The Preserve loop, the Jack's Point loop and the Lake Tewa track were overall favorites for the majority of respondents with the Hanley Farm connection track and the Remarkables loop trail still noted as favourites for around 30% of respondents.
20. The majority of respondents thought that the trails were fine as they were with only 5% of people noting that increased maintenance was required.  
The main areas for requested improvements were dog poo bins followed by better directional signage.  
20% of you wanted more walking tracks even if it meant an increase in levies to pay for it.

21. The majority of respondents thought that the bike trails were fine as they were, 28.7% of respondents were keen for an increase of biking tracks and were willing to contribute an additional \$10 per year for the maintenance of those tracks. 17.5% of people were keen for more biking tracks and were also willing to contribute \$10 per year towards maintenance subject to those tracks being outside of private reserves within the residential neighbourhoods. 27.2% of respondents commented to oppose any further bike tracks with 9% of those opposing the tracks noting that our private reserves need to remain for the use of Members and that the Committee should not be undertaking projects that will encourage the use of those reserves by nonresidents.

#### Information

22. The majority of respondents (87%), noted that they read JPROA emails with the Committee Updates and the Residents Facebook page also well used (over 50%). 27% of you noted using the Jack's Point website and 14.5% noted attending meetings. 19% also noted using a mix of media.

#### **Other Comments – a JPROA response has been provided, where possible, to additional comments and queries.**

##### **Bike tracks**

Comments were submitted both supporting and strongly opposing any additional bike tracks within Jack's Point. There is no clear majority support for more tracks. There is wider support for walking/biking connections to neighbouring subdivisions inclusive of Frankton, Hanley Farm and Homestead Bay.

##### **Screening planting**

Some of you have identified the area between Jack's Point and Hanley Farm as one area where additional screening planting would be of benefit. The planting and berming that has been done to date along the northern boundary of Jack's Point was completed by the developers of Hanley Farm with the support of the JPROA.

Our advice is that this planting is still relatively new and will provide better screening/softening as it matures. As Hanley Farm is mostly in the valley floor and Jack's Point largely elevated above it, total screening is not an achievable outcome.

The JPROA will continue to review the planting in this area and will need to balance the desire for more softening with the very strong desire by many property owners for costs not to be increased. As a further note regarding planting, to date the JPROA has maintained the planting vested to it by the Developer but has not increased planting to open space areas.

##### **Disappointment at the Clubhouse being closed and at the loss of the resident's discount**

The Clubhouse is a separate business entity from the JPROA, and residents do not contribute toward the Clubhouse as part of any levy amount paid. While the Jack's Point Developer is a related entity to both the Clubhouse and JPROA, we have no ability to determine or have input to their operations. The Clubhouse has advised that they expect to re-open in October and are currently considering the offering provided.

### **Improvements to trail signage**

The JPROA has a small amount in its budget this year for improvements to trail signage. This will include both directional signs and also signs to indicate areas which are for the use of Jack's Point Residents only.

### **Planting near the Maori Jack bus stop has been implemented too closely together.**

One comment noted some of the new planting behind the Maori Jack bus stop appeared to be too close together. This planting was part of a landscape mitigation plan required by the JPROA to provide required screening. The landscape plan which included the spacing of plants was prepared by a qualified landscape architect appointed by the DRB to achieve the outcomes required by both the DRB and JPROA Committee.

### **Developers of built properties being held to account as opposed to contractors.**

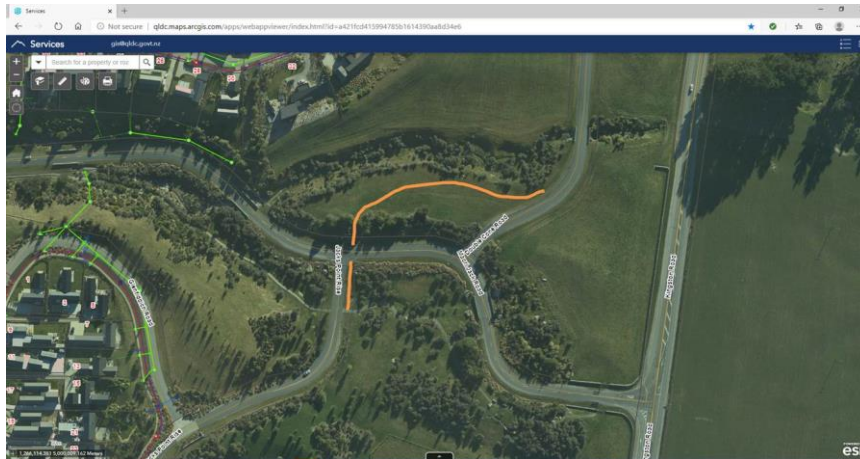
With any properties developed within the residential areas of Jack's Point, the property owner is held accountable for the outcome. Consequences such as the forfeit of the building bond or default charges can apply where properties are not completed within permitted timeframes and /or meet the standards required under the DRB approval issued. Please note that DRB review and assess the external aesthetic outcome. Building Code issues are reviewed and assessed by QLDC.

### **Footpaths**

The existing footpath connections were vested to the JPROA by the Developer of Jack's Point with the role of the JPROA, (as defined under the Jack's Point Constitution), being to maintain the infrastructure vested as opposed to creating additional infrastructure. The survey results showed a clear majority preference towards no expenditure on additional or not urgent items. Given Covid 19 and ongoing financial challenges for Members, the JPROA does not have any amount within the budget for the coming financial year to build any new walkways or extend the existing footpath networks however the Committee is considering a proposal to fund a foot bridge over the stormwater channel from Maori Jack Road to Morrison Drive and a footpath extension from the bridge along Morrison Drive to the existing Kerrera Lane connection, from a contingency fund. The proposed foot bridge and footpath extension, along with a proposed Kea crossing will provide a safer walking option for children crossing from the bus stop into the Morrison drive and Orford Drive areas.

### **Double Cone Road and Maori Jack Inter-section being dangerous for walkers**

Vegetation has been cleared to allow access for walkers across the back of the reserve and then out on to Moari Jack opposite the Jack's Point Rise intersection to try and remove walker from the intersection of Double Cone and Maori Jack.



### **Levies to be maintained or reduced - requests for the Committee to not take any discretionary activities that may increase levies for Members.**

The survey results showed a clear majority preference for no increase in costs or unnecessary expenditure that would result in higher levies. The nature of our assets and obligations mean that there is little opportunity to reduce services or expenditure, but the Committee is committed to tight control of costs particularly at this time.

### **Better use of Lake Tewa, Swimming and water activities over summer.**

The Committee has endorsed removing the restrictions on swimming in Lake Tewa from the Jack's Point Bylaws. Members will have the opportunity to vote on this Bylaw amendment at the AGM. The JPROA owns most of the lake but does not yet own any of the land adjoining the lake edge. We expect that some of the lake edge will be vested to the JPROA as the Village is developed and this will then form part of the communal facilities for all JPROA Members. We do not however, have any details of what, if any, land around the lake will be vested to us. Until such time as land adjoining the lake is vested to the JPROA, members should respect private property rights and any areas closed to public access, when accessing the lake.

### **Equestrian center as originally intended.**

The original concept plans for the Jack's Point zone included a possible equestrian center on the land to the south of Jack's Point Development. This land is not owned by the JPROA or by the Developer and we are unaware of any plans to develop an equestrian center on it at this time.

### **Village to uphold the original vision in terms of design.**

The Jack's Point Village Design Guidelines are consistent with the Outline Development Plan which formed part of the original masterplan for Jack's Point and indicated variances between the residential neighbourhoods and the Village.

### **Better Communication from both Golf and the Clubhouse.**

Several Members noted hearing about changes from the wider public as opposed to from the JPROA. Those Members also noted that this made them feel unvalued and unwelcome and especially in the case of golf where financial contribution toward the upkeep of the course is made by residents, this was not acceptable. The JPROA will pass these request and comments onto the Golf Course operator and the Clubhouse.

### **Golf levy discounted for nonresident Members**

The Golf Levy is determined by the Golf Deeds registered on each title. The JPROA has no ability to change these but is required under the Deed to collect the Levy and pay it to the Golf Course Operator. All properties are required to pay the Golf Levy.

### **Green waste area**

One comment requested a green waste area. A green waste area had been implemented previously at Jack's Point however non compostable material being mixed in with the green waste proved to be an issue and the area was closed. The wellbeing subcommittee are currently drafting a proposal to reimplement a green waste area. The proposal when submitted, will need to outline proposed controls to ensure that only compostable materials are left in the designated area and to recover the costs of its operation. QLDC are also looking at how they can provide a green waste service for the district as a whole.

### **Equity around planting value**

Planting to the open space areas was implemented by the Developer and then vested to the JPROA to maintain. The JPROA has historically not increased planting to any open space areas. In general, the planting around Jack's Point improves in appearance as it matures so the older neighbourhoods and streets do have more established landscaping outcomes.

### **In ground footpath lighting continuously not working.**

In-ground footpath lighting has not been successful. Unfortunately, these lights which are sporadically scattered though footpaths are set into the concrete and cannot be repaired. To replace an inground light, the broken light would need to be dug out of the concrete, the light replaced and the concrete re-poured on which basis the cost, considering the light provided to limited areas of footpath is now considered as uneconomical. The JPROA has no programme to further replace these lights.

### **More play facilities for children**

The children's playground in Jack's Point is owned and maintained by QLDC as are the Jack's Point tennis courts. The neighbouring Hanley Farm playground is the most extensive in the Queenstown Lakes District and the JPROA is working to ensure that footpath connections provide easy access for children to this facility as part of the wider Jack's Point zone. QLDC has indicated that they have no plans to invest in any new playgrounds in the Jack's Point area. An area of the JPROA open space could be set aside to be developed as another playground but this would need to be funded by levies and would require support from a majority of residents.

### **No road connection to Hanley's**

All planned road connections between Jack's Point and Hanley Farm are through the Village and not via the residential neighbourhoods.



### **Please provide more updates on neighbouring subdivisions**

The JPROA does not have a lot of information on neighbouring subdivisions and their intended activities. Here are links to both subdivisions' websites:

<https://winton.nz/our-projects/hanleys-farm/>

<https://homesteadbayqtn.com/>

Homestead Bay property owners have access rights over Maori Jack Road (to a capped number of properties) but are required to contribute to the cost of the upkeep of this road. Contributions are set to ensure that their access is not subsidised by JPROA members.

### **Sticker to identify residents' cars**

While the census identified parking as an issue for many of you, there was not majority support for JPROA to monitor details of Members cars.

### **Disappointment that the total number of rental days had been increased from 28 to 90 days.**

The number of days permitted for Visitor Accommodation leases was increased from 28 to 90 days to align with the wider QLDC limits in residential neighbourhoods. This amendment was passed at the AGM in November 2015. While there is a wide range of opinions about whether there should be a change in the number of days Visitor Accommodation is permitted in residential neighbourhoods, the majority want the rules regarding short term accommodation enforced. To affect this, the Residential Precinct committee will be appointing a number of 'Rental Agencies' and all Visitor Accommodation within the Residential Precinct will be required to use one of these for any short-term rental activity.

### **Rather than increasing planting the Committee should allocate more money to pest control.**

There has been a district wide increase in pest problems, particularly with rabbits. Control of these has become increasingly challenging with both shooting and poisoning currently considered unsafe when in close proximity to residential properties. Poisoning is also only effective when alternative food sources for rabbits is scarce (i.e. in cold winter).

In general, JPROA plants are too established to suffer damage from rabbits and are more likely to be damaged by vehicles than pests however the JPROA are using ferrets and dogs on a monthly basis (going into spring), working within netted areas, to assist with controlling the rabbit population. As the JPROA can only complete pest control on JPROA open space, you as a Member can assist by also completing rabbit control on your property if you own a larger site with open space in which rabbits are living. If utilizing dogs and ferrets working within netted areas may have benefits for your section, please contact the JPROA for related pricing and contact details.

JPROA members will also be asked to confirm if they would support the use of poison within the JPROA open spaces as with the Pindone used on QLDC managed walking tracks and the committee will take the majority views into consideration in their decisions.

### **Cost of community gardens**

Some of you thought that the amounts suggested as the cost for a community garden and were too high. Depending on the proposal and the location, the community garden may require, to get started, lease of land, fencing, berming, installation of irrigation and screening planting plus garden beds and soil preparation as well as an element of administration should the garden be operated on a user pays basis.

Any proposal on JPROA land or implemented via the JPROA Committee would require the JPROA to underwrite the implementation, maintenance, waste disposal and operations and, if it is unsuccessful, the removal of the gardens and reinstatement of the land.

As only a small number of people have expressed interest in paying for these activities, the costs for the users of the facility are likely to be at least as high as suggested in the survey.

**Dogs should be leashed other than in designated areas.**

Under the current Bylaws, dogs are required to be under control at all times. Amendments to the Bylaws will be considered as part of this year's AGM and Members could consider whether they would like to amend the Bylaws to require dogs to be leashed other than in designated areas as part of these amendments.

**Lighting at bus stops**

The underlying design controls at Jack's Point seek to minimize light pollution and protect the night sky. An existing light bollard is in place opposite the original bus stop on Maori Jack road. There are no current plans to implement any additional lighting at bus stops.