

Before the Queenstown Lakes District Council Hearings Panel

Under the Resource Management Act 1991 (**Act**)

In the Matter of the Queenstown Lakes Proposed District Plan
(Stage 1)

And

In the Matter of submissions and further submissions by M J
Williams and R B Brabant (Submitter 605 and
FS1283)

**Evidence of Richard Brabant on behalf of M J Williams and R B & EJ
Brabant**

Chapter 41 – Jacks Point Zone

Dated 08 February 2017

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Introduction

1. My name is Richard Brabant. My wife Eleanor and I and our friend Joan Williams (on behalf of herself and her husband, Ian) are the registered proprietors of the residential property at 25 Pendeen Crescent Jack's Point, Queenstown. Our submission to the proposed Jack's Point zone provisions in the notified proposed District Plan was completed in the name of Joan (MJ) Williams. Our further submission was done in Joan and my joint names. The submissions were prepared by me in consultation with Eleanor, Joan and Ian, and I am authorised to give evidence and make submissions on behalf of all of us at the hearing of submissions to the proposed Jack's Point zone.
2. The permanent residences of both families are in Auckland. Relevant to our purchase of a residential section at Jack's Point is that we previously jointly owned a property at Turoa Village, Ohakune which was used summer and winter although initially the primary focus was for accommodation during the ski season. However, like the Central Otago area, the North Island Central Plateau offers many recreational opportunities throughout the year including tramping which is a particular recreational interest of all four of us. After 15 years' ownership of our Ohakune property we all agreed on re-locating in or around Queenstown so we sold and looked for a suitable place. We had in mind building because between the two families there are five married children and also grandchildren, all of whom have an interest in skiing and other holiday activities in the Central Otago area. The four of us expect to spend considerably more time at Jack's Point with retirement on the horizon.
3. Independently and together we spent some time looking at the options. Proximity to the Queenstown Airport was an important consideration given that all but one of the extended family live out of Queenstown. The residential options on the southern flanks of the hills behind Queenstown did not appeal. When the focus shifted to acquiring a section in the Jack's Point development, and relevant to this district plan review, I took primary responsibility for investigating the way in which the development had been designed and completed to that point. I also investigated the particular ownership arrangements, the facilities and

the District Plan provisions applicable to Jack's Point.

4. I considered all this with the advantage of over 30 years of professional experience in town planning and resource management work, including involvement in advising on master-planned residential community developments elsewhere in the country. This particular John Darby Partners designed rural settlement stood out as an exemplar of its type in a truly outstanding location sitting beneath the magnificent Remarkables Mountain Range.
5. As other potential purchasers could at the time, and have been able to since, we obtained at the Jacks Point clubhouse printed material that described the Jack's Point settlement. **Appendix A** is a copy of the introductory statement "Welcome to Jack's Point" in such a publication – this one from New Zealand Sotheby's Realty.
6. At that time there was also a website –www.jackspoint.com – which we and others have been able to access and provided information for potential purchasers. **Appendix B** contains relevant pages from the website sourced at the time of preparation of this evidence. It is the same as what we read in 2011 before deciding to buy a section.
7. A fundamental attraction for us was the location within an outstanding natural landscape and this remains the case. The section we bought is in Neighbourhood 4 - what is described as "The Highlands South." It is about as close as you can be to that truly awesome mountain range yet within a residential settlement.
8. Another key consideration was the substantial size of the property that contains the master planned development. And the commitment that only 5% of the land area would ever be developed –

"Our vision is for a village of 1300 residential homes that has very little impact on the original environment at Jack's Point. To achieve this the building footprint is limited to 5% of the total property with the remainder retained as open space, including the 18-hole championship golf course, wetlands, reserves, biking and walking trails and other recreational amenities."

This was stated even more emphatically in another brochure, see **Appendix C**:

“Not a housing development, not a gated community but a real living, breathing, developing, evolving settlement. Just like any thriving settlement, it will have a village, shops, places to stay, places to eat, common areas, recreational areas and private properties – but unlike most settlements it will be 95% preserve. Be assured, this Preserve is not just “land in waiting for development.” This is and always will be, just as it is now – breathtakingly beautiful.”

9. My wife and I are keen golfers and an added bonus was a championship quality golf course as part of the property.¹ Unlike many other developments (a local example is Millbrook) the Jacks Point settlement area (apart from a very limited number of residential sites within the golf course or adjoining it) is set well back from the golf course itself.
10. However, it was the extent of the open space, the ability to freely access this for recreational purposes and the understanding that this would remain the case into the future that we particularly took into account. **Appendix D** is a copy of the Jack’s Point Trails Map that was available at the clubhouse at the time and has been since showing the network of trails that all residents could access including (although yet to be constructed) the “Stragglers Loop” track providing an estimated 3 – 4-hour walking opportunity. We saw also that the Jack’s Point Loop Trail and the Lakeside Trail linked to the DOC track along the shore of the lake to Kelvin Heights and ultimately links up to the Frankton track into Queenstown. These longer trails provide mountain biking as well as walking opportunities.
11. Once Jack’s Point became a focus for potential purchase I looked in more detail into the zone provisions and the related package of documentation whereby all landowners became members of the Jack’s Point Residents and Owners Association (JPROA) which was at the time and still is the owner of what are described in the Rules as “*Communal Facilities*”:

¹ It is rated number 2 in New Zealand.

“means all land, lakes, wetlands, natural features, buildings, plant, equipment, facilities, Utilities² (including, for clarity, any interest in the Water Company) and other amenities including any private roads, private ways, trails and walkways (whether public or private) within Jack’s Point owned (whether directly or indirectly), leased, licensed, maintained or otherwise held, levied or operated in whole or in part by the Society from time to time including those facilities from time to time transferred to the Society by the Developer, by any other company which is directly or indirectly controlled by the Developer, or by any company of which the Developer is a subsidiary (whether directly or indirectly).”

12. I also saw that in the Rules, the definition of “*Jack’s Point*” was:

“the integrated, residential and commercial development undertaken by the Developer and its associated and/or subsidiary companies within the Jack’s Point Zone including but not limited to the recreational facilities, hotel/Lodge, dwellings, commercial development, wetlands, lakes, open spaces, walkways, car parking, golf course, clubhouse and all other associated infrastructure”.

The Rules also included a definition of “Jack’s Point Zone” referencing the zone provisions established by the QLDC as a resort zone under Part 12 of the District Plan.

13. The quality of the settlement design and of the houses that have been built, the way the various neighbourhoods had been designed and laid out with extensive open space land (Association owned) and high quality existing and new native vegetation much of it planted by the developer around and through the neighbourhoods with linking pathways sets this rural village settlement apart from any others I have seen established or even proposed. It certainly contrasts strongly with the now in part approved “Hanley Farms” residential development that is to adjoin it.
14. We were not looking at purchasing “off the plans” – the residential part of the development was virtually completed save for ongoing residential housing construction. So the subdivision layout was almost fully complete and I understand is now. The roading and infrastructure were

² Separately defined as sealed vehicle access over all roading within Jack’s Point including roading which is accessible to the general public connecting to the adjoining State Highway, sewage treatment plants, disposal systems, wastewater and stormwater disposal systems and related reticulation connecting to all Developed Properties and Communal Facilities within Jack’s Point, service lines to appropriate supply networks, domestic and irrigation water systems connecting all Developed Properties and Communal Facilities within Jack’s Point to the water supply system sourced from Lake Wakatipu.

established as were the golf course the clubhouse the playing fields and most of the walking trails. We could see the quality of the residential housing that had been built at that time – and has been considerably expanded since. The “soft” and “hard” landscaping of roads and open spaces was in place and again has matured in the intervening period.

15. The Jack’s Point village settlement including the outstanding golf course the extensive recreational facilities including walking and biking trails across the open space land comprising 95% of the land area in our view matched the descriptive material and the “vision” as described of John Darby³ and his team. In the intervening six years the settlement has continued to mature and more housing has been added under the umbrella of the Operative District Plan provisions.
16. The special zone provisions in the District Plan appeared to me to contain a simple objective and a range of policies that were appropriate. I ascertained that all built development would be subject to approval by a Design Review Board referencing Development Controls and Design Guidelines with Council controlled activity consent required also. That essentially all infrastructure required for the settlement would be community owned maintained and through the presence of a sinking fund arrangement could be upgraded or even replaced in the future. At that time there was no indication as to when development of the land known as Henley Downs and Homestead Bay included within the Jack’s Point zone might proceed, but the nature, extent and form of development in those locations was clear by reference to the zone provisions and the Structure Plan.
17. In summary, I saw the documentation enabling establishment of this master planned settlement as a “*total package*” including the zone provisions. The documents we reviewed gave us confidence that the Jacks Point settlement would become, when completed, an integrated community with residential activities, visitor accommodation and commercial activities of an appropriate scale and quantity and extensive outdoor recreation opportunities in an outstanding natural

³ For example, in his evidence on behalf of JPROA before the Environment Court opposing the application by Skydive to expand its commercial operations.

landscape.

18. We purchased our section in early 2011 and the house and landscaping were completed by the end of 2012. Since then development of houses in the residential neighbourhoods has accelerated. I understand that the developers have sold all residential sites within the Jack's Point development. In my view, what can be seen "on the ground" is the product of the package of the operative District plan provisions, the consistent application of high-quality design guidelines, excellent urban design within the settlement area and the adherence to the commitment to no more than 5% built development of the property. It's no surprise the attraction that Jack's Point has had to a cross-section of the community in particular a high proportion of young families.
19. Finally, I consider that a key factor in the successful outcome was the Council securing all interested parties commitment to the Jack's Point Stakeholders Deed during the initial plan review process that created the Jacks Point zone.⁴
20. We were therefore alarmed -as were other residents prepared to involve themselves in the submission process of the District plan review - that the Council promoted into the notified Proposed District Plan what is essentially the revised Plan Change 44 provisions – I understand at the instigation of developer interests, and without consultation with any residents of Jack's Point.
21. Fundamental to our submission and opposition to other submissions in our further submission is a request that (with appropriate amendments to recognise that the Operative Plan's zone provisions were written in anticipation of the settlement being developed), those zone provisions- the objective and policies and development controls and including "Implementation Methods" be retained in the reviewed District Plan. And that the now part-consented Hanley Downs subdivision development be removed from the Jack's Point zone, as was the proposal when Plan Change 44 was publicly notified. Similarly, that unless the owners of the Homestead Bay land included within the

⁴ Referenced in the section 42A Report.

Operative Jack's Point zone provisions withdraw their request for additional development opportunity and if their submissions are approved, that area of land should likewise be removed from the Jack's Point zone.

JPROA

22. JPROA made a submission to the plan review. It did so without any proper consultation with the residents within the settlement, and the wording of the submission is the wording determined by the Controlling Member of the Association.
23. In a 2014 declaratory decision the Environment Court makes some reference to the particular arrangements that apply at Jack's Point⁵ through the Jack's Point Constitution and various covenants secured over the title to land within the settlement with the intent that the Developer (as defined within the Constitution) can promote and carry out the development of Jack's Point and in particular obtain resource consents or pursue plan change proposals without any involvement of the landowners within the existing settlement.
24. The Developer is entitled to nominate (and has) a "Controlling Member":

"Until the development of Jack's Point is fully completed as determined by the Controlling Member at its sole discretion, there shall be a Controlling Member for the Society. The purpose of the Controlling Member is to ensure that the Developer can develop Jack's Point as a premium development in accordance with the Jack's Point Zone. The Controlling Member shall have only the rights specified in this Constitution, and shall have no other rights or obligations of a Member in the Controlling Member's capacity as Controlling Member"⁶
25. The Committee Chairman of the Association is the nominee of the Controlling Member at its option⁷ and has an overriding vote on any matters before the committee. The Developer also appoints the Manager of the Association.⁸ Both appointments are not subject to

⁵ *Coneburn Planning Limited v ueenstown Lakes District Council* [2014] NZEnv C 267.

⁶ Clause 4.4 Constitution dated March 2015.

⁷ Clause 12.6.

⁸ And the Manager shall remain as Treasurer/Secretary, and the Controlling Member shall remain as Committee Chairperson for so long as there is a Controlling Member and Manager appointed by the Developer.

challenge by the Society members. At any General or Special meeting of the Society the Controlling Member has an overriding vote.⁹

26. The current Chairman Mr Coburn is a director of John Darby related companies that own land within Jack's Point and intend to undertake future development – for example the proposed Jack's Point Village. The management of the JPROA is undertaken by Darby Partners.
27. As a result the management of JPROA and its Chairman are conflicted in respect of making submissions to the proposed District Plan or presenting evidence that purports to reflect or represent the interests of residents within Jack's Point. It was possible that meetings or workshops could have been held before submissions were due to the Proposed District Plan and a submission could have been prepared that was endorsed by residents without any intervention by the management or the Chairman of JPROA, but that did not happen. The Association did not have a mandate to represent the residents in consultation carried out by QLDC concerning the provisions of the proposed District Plan. Ultimately, while the submission that was made on behalf of JPROA¹⁰ made some positive statements about the submission being in support of the Jack's Point zone and ensuring that the original vision continues to be secured, it also supports some changes to zone provisions different from those in the operative plan. More importantly, as JPROA is controlled completely by the Jack's Point companies that made a combined submission as "Jack's Point",¹¹ the Association's interests in the plan review must be seen as aligned with the Developer's interests as expressed in its submission.

Jack's Point Stakeholders Deed

28. This document has been produced as part of the s42A report and so a copy is available to the Hearing Panel. It is referred to in the decision of the Planning Commissioners on Variation 16 through which the Jack's Point zone provisions were introduced into the District Plan.¹² It

⁹ Clause 15.2. At a recent Special Meeting of the Society the Controlling Member was able to produce 128 proxy votes, more than sufficient to override voting by current residents.

¹⁰ Submission 765.

¹¹ Submission 762.

¹² Appendix E.

is a “public contract” in the sense that the owners of the Jack’s Point land, the Jardine land and the Henley Downs land (as it was then called) agreed to enter into a deed with the local authority “*to ensure that if the Zone is confirmed the land within the Zone will be developed in a coordinated and harmonious manner and the environmental and community outcomes envisaged by this Deed and the Variation will be achieved*”.¹³ Clause 24 of the Deed states successors in title to the parties that entered into the deed are bound by the terms of it. Clause E of the Preamble states that the property owners proposed a separate deed outside the Variation process so that the outcomes envisaged by the Deed were directly enforceable by the parties.(my emphasis)

29. I consider that the residents within the Jack’s Point settlement are entitled to rely on the terms of the Deed and expect that the landowners (and where applicable any successors in title) will comply with the obligations and outcomes intended by the terms of the Deed – certainly if their land is to remain within the Jack’s Point zone. In my view the development aspirations of the owners of the (now described) Hanley Downs/Farms residential development and of the Jardine land in respect of the development expansion requested through submission 715 are proposing a scale and form of residential expansion beyond that permitted by the Operative District Plan and outside the terms of the Deed.
30. A key respect in which the terms of the Deed are called into question is in relation to what is described in clause 3d of the Deed as the “*primary control on development*” – the maximum site coverage for all development shall be 5% of the Jack’s Point Land, 5% of the Henley Downs land, and 2.5% of the Jardine Land so that at least 95% of each area of land shall remain as open space.¹⁴ On the Henley Downs land I understand the Operative District Plan provisions enabled up to 500 residential units to be developed. I understand that 1500 – 1750 residential units are proposed – at least 3 times what is enabled by the Operative Plan. The recent grant of a non-notified resource consent¹⁵

¹³ Background, paragraph F.

¹⁴ For the purposes of this subclause the term “site coverage” means land covered by buildings.

¹⁵ RM 160171 dated 9 June 2016.

is only in respect of what is described as Development Plan 1 containing 109 residential allotments together with a water drainage and recreational reserve area and roading, including a new access road from SH 6. The application for that consent maintained that the density controls in the Operative Plan could be met; however I understand this would not be so if the proposed District Plan was changed to meet the aspirations of the owner and intended developer of that land. Likewise, the nature and extent of residential expansion permitted were the submission from the landowners of the Jardine land accepted would appear to be clearly in breach of that provision in the Deed

31. The Deed also intends that all infrastructure shall be supplied and contained within the Zone – the Hanley Farm first stage development proposal that has been consented has public not private roads, and reliance on council infrastructure for water supply and wastewater treatment and disposal¹⁶. The proposed reserves are to be public reserves vested in the Council.
32. Reference to the developer's website and the sale and purchase agreements for residential sales indicates that at the developer's option there *may* be a Hanley Downs/Farms Residents Association. There will be no membership of the JPROA and no expansion of the existing provision of infrastructure for the Jack's Point settlement, which is an integral part of the Jack's Point zone whereby the Communal Facilities (as defined in the Constitution) are owned by the Association and all landowners are members ¹⁷.
33. Although providing for unanimous agreement of all parties (therefore including the District Council) to potential changes to the Development Controls, another primary intent and contractual agreement recorded in the Deed related to the matters to be covered by the Development Controls, covered in some detail in the Deed.

¹⁶ If the first stage proceeds with Council reticulation for water supply and wastewater then given the financial commitment to create the connections, it is a reasonable assumption that the same infrastructure arrangements (public not private) will be utilised for the balance of the intended urban development.

¹⁷ Clause 18 of the Deed.

34. By reference to the Hanley Downs consent granted in June 2016, the approved outline plan showing the form of the residential subdivision, the roading and reserve layout and the Building Design Guidelines¹⁸ indicates that the first stage approved design and residential housing outcomes do not recognise the detail of the Jack's Point Development Controls and Design Guidelines. The design and layout of the residential subdivision follows a conventional urban residential form and is in contrast to the form of residential settlement approved and implemented on the Jack's Point land.¹⁹ I refer to the contrast in the form and layout of subdivision, in particular the nature and extent of open space within the neighbourhoods. The Jack's Point design incorporates extensive vegetation in the open space areas found throughout every neighbourhood and connecting pathways and trails compared with the subdivision layout of continuous residential sections in blocks with an adjoining drainage reserve and recreation reserve to be vested in the District Council in the Hanley Farms DP 1 Subdivision Plan.
35. The decision to vest all roading in the Council obligates roading development that meets Council's roading and road lighting standards. I contrast this with the design of the private roading that has been completed within the Jack's Point settlement and the particular attention paid to street lighting in accordance with the design principles and development controls attached to the Deed. This is significant in terms of the preservation of the night time ambience and minimisation of light spill.
36. In summary on this issue I consider that the contractual obligations of the Deed as they apply to the Hanley Downs and Homestead Bay development areas enabled by the Jack's Point Resort zone provisions of the Operative Plan may not be met under the proposed Jack's Point zone provisions. On the Hanley Downs land because of the notified

¹⁸ Also found on the developer's website.

¹⁹ Refer Appendix F "DRB Approved Housing Master plan dated 09/06/2013.

zone provisions²⁰ and the further changes requested through submissions by the development interests at Hanley Downs. In respect of the Jardine land, if the significant urban expansion requested through submission 715 were to be accepted.

Plan Change 44

37. At the outset, PC 44 proposed a separate Henley Downs zone.²¹ It was these provisions that were publicly notified, and while recognising that property owners within Jack's Point are prevented by covenants on the titles from making submissions to plan changes or applications for resource consent promoted by the Developer or other party's nominated by the Developer, the plan change proposal as notified essentially "removed" the Henley Downs part of the development area from within Jack's Point zone and created a separate zone with its own objectives and policies, and development controls. What were consequential changes to the Jack's Point zone were appropriate deletions as a consequence of separating off the Henley Downs area. Notably, Objective 1 as notified refers to development in Henley Downs contributing towards the success of "Greater Jack's Point", integrating with the landscape, character and settlement pattern of the surrounding area, and Objectives 2 and 3 identified Urban Activity and Agriculture, Conservation and Recreation Activity areas with supporting policies that created a different framework for development than the objectives and policies for the Jack's Point zone.
38. Proposed amendments to the Operative Jack's Point zone²² were few. The deletion of provision for access to Jack's Point from SH 6 was presumably proposed simply because the access has been in place for some years; the other two amendments were to remove reference to Henley Downs development areas in relation to the Density Master Plan²³ and the density control in the Village Activity Areas .²⁴
39. The revised PC 44 presented to the Council some considerable time

²⁰ Utilising the (amended) provisions put forward during the Plan Change 44 process.

²¹ A copy of the proposed Henley Downs zone provisions and structure plan is in Appendix G.

²² Appendix H.

²³ At page 12 – 19.

²⁴ At page 12 – 20.

later changed the approach entirely by effectively “re-inserting” the Hanley Downs land into the Jack’s Point zone. It was those revised PC 44 provisions that became the Jack’s Point zone included in the proposed District Plan. I and other residents understand this was discussed with the commercial interests and with the JPROA, but not with any of the residents within Jack’s Point.

40. The primary submission (605) in the name of MJ Williams asks that what is now called Hanley Downs (the residential development is being marketed as Hanley Farms) be provided for in the reviewed District Plan through separate zoning provisions that apply to the Hanley Downs development area. In my view this can be done by reverting to the notified PC 44 zone provisions including the consequential amendments to the operative Jack’s Point zone.
41. Since the proposed District Plan was notified the decision on PC 44 has issued. In the meantime the Hanley Downs developer has pushed on with development proposals, obtaining a 1st stage resource consent and putting residential sections on the market. The resource consent includes a separate access road from SH 6 and consents an intensity and form of residential development as a 1st stage that is different from Jack’s Point.
42. My primary concern is with altering the existing Jack’s Point zone provisions to accommodate a quite different form of development as evidenced by what has been designed and part consented.
43. While in the now long-established Jack’s Point settlement residential housing construction is still proceeding, the full layout of residential subdivision interwoven with community-owned open space, the privately-owned roading layout, and the large-scale landscape development in these open space areas is in place, and completed in accordance with the operative District Plan provisions. The separate Lodge development is the subject of an unimplemented resource consent, and in any event even were that consent not to be exercised²⁵, that visitor accommodation development is demonstrably adequately

²⁵ A continuing impediment to development of that lodge is the Skydive operation.

provided for in the operative plan provisions. The Village area is yet to be developed but I have been informed by management of Darby Partners that design work is well progressed and it is over a year since that proposed development was the subject of front-page news in a local newspaper – so again my position is that the development of the Village area is appropriately provided for by the Operative Plan provisions.

44. In accordance with those plan provisions, and also the provisions of the Stakeholders Deed,²⁶ the Jack's Point settlement has a completed golf course, playing fields, a children's playground and a network of neighbourhood walkways and some recreation trails through the open space land with others yet to be completed in order that the developer can comply with its obligations under the Stakeholders Deed.
45. In short, the Jack's Point settlement development can be completed and can continue to be managed through the existing operative plan provisions. Where a settlement of this nature has been devised, master planned, provided for in the District Plan and completed in all material respects in accordance with those plan provisions²⁷ the best zoning provisions on a review of the District Plan are those that have applied from the outset and during development of the settlement. Those provisions should only modified to (for example) remove references to infrastructure or access requirements or provision for facilities anticipated when the operative provisions were finalised but now completed. Or, if an undeveloped part of the originally conceived settlement area is to be developed in a distinctly different fashion the removal of that area into another zoning arrangement, thereby leaving the settlement as planned and as substantially completed in the same planning regime.

²⁶ Described along with the Development Controls and Design Guidelines for building and landscaping as an implementation method for the zone objectives and policies.

²⁷ Remembering the remaining residential housing and for that matter building development within the Village area will effectively be controlled through the Development Controls and the Building Design Guidelines.

46. The decision already made on PC 44,²⁸ with no appeal relating to provision for residential development of the Hanley Downs land save in relation to access to SH 6 must be recognised. Further, the Council has granted a non-notified resource consent for some of that land to be subdivided subject to a primary road access to SH 6 being built. With these decisions made, the now approved development of that area for residential use in a substantially different form and layout than provided for in the operative plan reinforces the merits of separate provision in the new District Plan for Hanley Downs. The original notified PC 44 provisions provide a blueprint for that including the necessary consequential changes to the Jack's Point operative zone provisions to remove provision for the Henley Downs land within the zone.
47. Contributing and important reasons for separating out the Hanley Downs development area are the different infrastructure arrangements. The Hanley Downs resource consent decision has endorsed the 1st stage subdivision design with public roads, public reserves and Council reticulation of water supply and wastewater disposal. The as-built Jack's Point settlement is distinctively different with its Residents and Owners Association and community owned, managed and funded open space, roading, wastewater and water supply systems and recreation facilities.

Other Submission Points

Use of Jack's Point main access

48. Our and other residents' submissions opposed proposed rule 41.5.6.2 whereby up to 500 (later modified to 300) residential units could be built within the Hanley Downs residential development area before a primary access to Hanley Downs was established – the notified provisions referred to access through Woolshed Road. The matter has become moot now with the first stage resource consent requiring a new access road into the approved subdivision, to be constructed and available for use before a s 223 certificate will be issued for new titles. However,

²⁸ In response to a notice lodged by me under s 274 RMA the hearing of appeals from that decision have been delayed so that submissions to the plan review can be heard.

while the threshold figure was evidently referenced to the Hanley Downs development opportunity in the Operative Plan, the traffic engineering evidence I have seen did not properly evaluate the consequences of this arrangement. The proposed rule would allow for a temporary use of the Jack's Point settlement main access. Account needs to be taken of the considerable construction traffic associated with the on-going development of residential homes at Jack's Point, and the construction traffic that will be associated with the development of the Jack's Point Village, which is additional to the vehicle movements directly associated with residential activity in the settlement. Similarly, allowing the Hanley Downs development to utilise the existing access through Maori Jack Road would add more construction traffic associated with building within the Hanley Downs development in addition to the residential traffic from up to 500 homes. The right-hand turn pocket for traffic approaching Jack's Point from Frankton is not large. SH6 through traffic is travelling within a 100 km/h speed environment creating a potentially dangerous situation if right-hand turn vehicles approaching the Jack's Point intersection cannot stop within the marked out turning pocket. In my view a proper SIDRA assessment was required of the proposed temporary provision for this additional traffic using this intersection at a time when there will be a high volume of construction traffic using the intersection as well.

Farming in the Open Space Areas

49. Rule 12.2.5.1i Structure Plan of the Operative Plan restricts activities within the Jack's Point settlement provided for by this rule to uses labelled G/F (Golf Course, Open Space & Recreational Facilities) or G (Golf Course and Open Space)²⁹. By contrast, Figure 2 showing the Henley Downs area within the Operative Jack's Point zone has open space areas labelled O/P (outdoor recreation activities and open space) and other large areas labelled O/S (pastoral and arable farming and endemic revegetation).³⁰
50. Until the last 2 – 3 years the only farming activities on the open space

²⁹ Figure 1 Jack's Point Zone – Jacks Point, page 12 – 26.

³⁰ Figure 2 Jack's Point zone – Henley Downs, page 12 – 27.

areas within the Jack's Point settlement was occasional sheep grazing at a relatively low density. Part of the design detail within the open space areas is a mixture of traditional drywall (schist), and some paddock fencing suitable for sheep but not cattle grazing. Following an agreement between Jack's Point management and a local farmer, intensive cattle grazing commenced with resultant pollution of watercourses, damage to the existing fences and to the indigenous vegetation. In relation to the JPROA owned land complaints resulted in completion of a grazing license between the farmer and JPROA, the terms of which were discussed at an Association meeting. I have a copy. The restricted areas where grazing activities can be carried out, the restriction of farming to sheep grazing only, and to the harvesting of hay and silage is a response to residents' concerns and lead to both my submission and that of JPROA (submission 765, paragraph 13 and 17 (b)).

51. From my perspective, if the Operative District Plan's zone provisions are retained, this would be a qualification to the restriction of activities within the G and G/F open space areas identified in Figure 1. I oppose the changed provisions in the proposed Jack's Point zone – proposed rule 41.4.9.11 Open Space Landscape (OSL) would permit farming together with farm buildings fencing mining and farm access tracks. This could fundamentally change the appearance and use of open space land within and adjoining the existing Jack's Point residential areas, the primary purpose of which should be to provide open space suitable for recreational use by the residents and their families.
52. The land area to the south of the Jack's Point residential JP-SH, or Neighbourhood 4 on the plan Appendix F is the land subject to the RCL Queenstown, Henley Downs, and Jack's Point companies' submission 632 which seeks a rezoning to a new activity opportunity Open Space Community and Recreation (OSCR), with provision for buildings and activities referenced in submission point 21, and development opportunities in terms of site coverage and building bulk which are a significant departure from the operative plan provisions. I support the submission of JPROA and other residents opposing this. In addition, I note by reference to the plan Appendix F to this evidence that the

notation on Figure 1 of the operative Jack's Point zone provisions enabling "golf course" in addition to open space and recreational facilities references a future 9 hole golf course. That development and activity is the reasonable expectation of those who purchased land adjoining this open space, many of whom are now occupying residential dwellings. I would add that over the last three farming seasons the land has been used for intensive farming involving cropping and cattle grazing of vegetable crops in breach of the District Plan.

Submission 715 by Jardine Family Trust and Remarkables Station Ltd

53. The submission seeks a substantial extension to the settlement development permitted at Homestead Bay – reference Figure 3 Jack's Point zone – Homestead Bay. The relief sought in the submission notably includes a request for an extension of the Urban Growth Boundary to include the entire area depicted on the plans in Attachment B to the submission.
54. As indicated earlier in my evidence this major extension of what is a confined settlement opportunity at Homestead Bay in the Operative District Plan would take this area outside the context of the Jack's Point zone as approved through Variation 16. I refer to page 11 of the 15 August 2003 decision approving the Jack's Point zone including the requested extension to Homestead Bay. This identifies the nature and extent of development approved at the request of the property owners.
55. As with the proposed changed extent and scale of development requested by the owners of the Hanley Downs land, I consider the submission by the Jardine interests is in breach of the Stakeholders Deed. It is important to recall that the approved zone provisions enabled a master planned settlement in a *rural environment* and even if it transpires that land to the north of the Jack's Point settlement now transitions to urban development starting with the Hanley Downs/Farms residential subdivision, that does not in any way justify an extension of urban development into the rural environment south of Jack's Point settlement, which in its current form and if completed and thereafter managed under the Operative Plan provisions (incorporated into the

new District Plan) will provide an appropriate transition from urban to rural south of the Jack's Point settlement. I consider the submitters' proposal amounts to urban sprawl and unplanned urban expansion.

Proposed buildings and residential or visitor activities in the FP/1 & 2 areas

56. I am familiar with the revised proposal that has been put forward by the Jack's Point interests, supported by expert evidence. At his request, I met John Darby in December and went "on-site" with him so that he could show me the locations where he now suggests some individual opportunities for built development and residential use could be accommodated.
57. At that time I indicated to him that if additional buildings and residential use was to be enabled in an area that had otherwise been identified as Open Space (in the operative plan provisions) then in keeping with the method employed in the Operative zone provisions for the Preserve area, Homesites in specific locations and of set dimensions should be identified. If that is to be considered, the merits of that and the acceptability of additional built development and residential activity is a matter for expert evidence. Nor do I wish to express an opinion about the merits of the modified proposal which may conflict with the submissions and evidence of other submitters that have a more direct interest than we do because their property adjoins or has a clear view of what is proposed.
58. What I did advise John Darby is that in my view if provision was to be made for house sites ("Homesites") then it was essential that the trail network yet to be established through this area be confirmed and put in place before any sites were available for purchase.³¹ Provision for recreational activities and including the establishment of trails is an important part of what was and still is described in promotional material and on the website as part of the Jack's Point settlement, and the completion of these facilities is required by the Stakeholders Deed. If some sites are to be established within these open space and high

³¹ Refer Appendix D.

amenity areas the trails need to be there so that potential purchasers are aware that the area is accessed by Jack's Point residents and the public, so that the presence of the trails and their use is part of the "existing environment".

Controlled Activity consent for building development

59. Our submission seeks the continuation of the Operative Plan requirement for controlled activity consent for residential development in addition to the approval process by a Design Review Board in accordance with the JPROA Rules. I'm aware that other residents have a different view. I agree with the Council report and evidence that the requirement for a controlled activity consent from the Council is an appropriate "check and balance" on the quality of the design approval process. Our own experience of the consent process was that it was cost-effective and efficiently completed. Based on the quality of the built environment at Jack's Point to date, you could conclude that the additional consenting process is unnecessary but that would be to assume that the situation may not change and would not acknowledge that sometimes DRB decisions may be unsatisfactory.

Provision of a separate zone or extension of the Village zone for educational facilities.

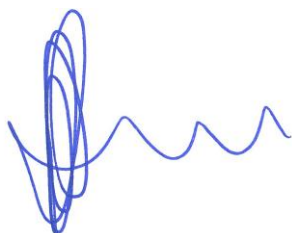
60. I refer to the submission from Otago Polytechnic (757) and submissions from the Jack's Point commercial interests and RCL Queenstown seeking provision by way of an Education Precinct or other method for education buildings and activities.
61. I rely on evidence of others and Council reports and evidence and oppose separate provision for education activities in either the Hanley Downs Structure Plan area or within the Jack's Point settlement, whether requested by Jack's Point commercial interests or RCL.
62. To the extent that the Operative Plan provisions provide for educational activities in the Village Area³² I do not oppose educational activities being established within that defined area but oppose an extension of

³² Rule 12.2.5.1i(a).

the Village Area. I oppose expansion of that zoned area because we support continuation of the Operative Plan provisions.

63. Reference has been made to the expected demand for additional school facilities due to an increasing population. If the Ministry of Education identifies a need for new school facilities and an appropriate location within Jack's Point, then the Minister can utilise the designation process. In the absence of the Minister having identified the need for land to be set aside for educational purposes, and because the Minister will normally use the designation process, the request for additional provision for educational facilities is opportunistic and speculative. Additional provision for educational activities given the opportunity for those to be located in the Village Area should not occur at the expense of existing recreational facilities or areas of open space as currently provided for by the Operative Plan Jack's Point zone provisions.

Date: 8 February 2017

A handwritten signature in blue ink, consisting of a series of loops and a wavy line extending to the right.

Richard Brabant

Appendix A

WELCOME TO JACK'S POINT

Jack's Point is a unique 1,200ha (3,000 acres) settlement in a spectacular location close to Queenstown and on the shores of Lake Wakatipu. Backdropped by the Remarkables Mountain range it merges with the rural environment creating a unique community for people looking for an exceptional lifestyle.

The vision is for a village of 1,300 residential homes that has very little impact on the original environment at Jack's Point. To achieve this the building footprint is limited to five percent of the total property with the remainder retained as open space, including the 18-hole championship golf course, wetlands, reserves, biking and walking trails and other recreational amenities.

Jack's Point takes its name from Jack Tewa, better known as "Maori Jack" who among other exploits, saved two friends from drowning after their boat overturned in Lake Wakatipu, close to the modern day Jack's Point village. He is also credited with the first discovery of gold in the Arrow River that same year, which started the gold rush in the area.

Darby Partners, the developers at Jack's Point, are committed to retaining the property's historical and farming links and the village development, with the Clubhouse and Restaurant as the focal point, reflecting this. Future proposals, as part of the 15-year plan, include a mix of retail stores and a luxury guest lodge.

Jack's Point is a truly authentic destination and represents a rare opportunity to own a piece of this beautiful landscape. Jack's Point is divided into a number of different neighbourhoods or suburbs. In the following pages you will see a wide range of property for sale within these different neighbourhoods...The Terrace, The North Terrace, Peregrine Ridge, The Highlands South, Coneburn Ridge and The Preserve. For more information on Jack's Point property please contact Jane Hanna at New Zealand Sotheby's International Realty in Queenstown.

ABOUT JANE HANNA

Working within the Queenstown team at New Zealand Sotheby's International Realty, Jane specialises in Jack's Point Real Estate. Before joining the team Jane was the marketing coordinator for Jack's Point.

Jane can help you find the best property that suits your needs. Call her to discuss, or she can meet you at Jack's Point and show you all the available options.

Appendix B

LIVING HERE

WELCOME TO JACK'S POINT BACKYARD

JACK'S POINT IS QUEENSTOWN'S ONLY RESORT SETTLEMENT ON LAKE WAKATIPU



The beauty of Jack's Point is that with 95% preserve there is the space to play. From any residence you can walk out the door and immediately find yourself on a 35km network of trails that leads to some of the most beautiful areas in the Wakatipu, be it to run, bike, ride horseback or simply take a stroll.

Then there are the trails and adventures that extend beyond Jack's Point - be they a foray into local vineyards or a more adrenaline charged expedition - and for that Jack's Point provides the ultimate basecamp, a launch pad into the wilds and charms of the surrounding lake and mountainscape.



Late - Received 8/02/2017



Weaving throughout the Jack's Point Preserve is the 6506 metre (7150 yard), par 72 Jack's Point Golf Course. The course design is the latest in a series of Darby Partners golf masterpieces, which includes the nearby Hills Golf Club, co-host to the BMW ISPS Hand New Zealand Open.

With breathtaking 360 degree views, the course takes full advantage of Jack's Point natural terrain, winding among dramatic outcrops of alpine rock and swathes of matagouri and native bush. With varying lengths of tees, golfers of any calibre can enjoy this course.



“Over 35km of Hiking, mountain biking and horse riding trails”



you a short stroll of a 15 min circuit to a longer full day hike. Trails traverse rolling tussocklands, rugged and seemingly remote bluffs and clifftop, fragile wetlands - where the New Zealand native pukeko and falcon reside, and thread alongside the magnificent shore of Lake Wakatipu. Picnic spots are dotted throughout, from hilltop lookouts to the romance of a secluded bay at sunset - picnics available from the Restaurant.

Horse Riding

Evoking the nostalgia of its High Country heritage, riding a horse across the vast terrain of Jack's Point against the backdrop of the Remarkables is sheer exhilaration. Following old farm tracks, previously used by the high country musterer bringing his merino flock down from the tops, these tracks were used for generations, then left untouched for many more. Now for the first time they're open for the public to ride. The tracks rise from deep gullies onto craggy hill-tops, exposing spectacular lake views. This is the experience of true New Zealand, set amongst the beauty of Jack's Point.

Water sports - Sailing and Kayaking

Lake Tewa, a 10 acre freshwater lake alongside the Village, is a perfect environment for kayaking, small boat sailing and general family orientated water sports. It is stocked with brown and rainbow trout for the fledging fly fisherman, and several of its northern bays merge into wetlands, where native bird habitats have been carefully restored.

easy plateau to the challenge of serious downhill, with the option of biking all the way to Queenstown (26 kms, approx 2 hours)

Children's Playground

Our beautiful council owned playground features a flying fox and a large tunnel as well other innovative playground equipment. Set under the stunning backdrop of the Remarkable Mountain range and adjoining the sports fields and the tennis courts, this area offers fun for all the family.

Trout and Salmon fishing

For the novice fly fisherman, Lake Tewa provides easily accessible training grounds. Similarly, however, trout are abundant in the deep, crystal clear waters along the Wakatipu shoreline, a spectacular environment to pass an early morning or a late evening casting through sunset.

Several world class fly-fishing rivers are less than a 10 minute helicopter flight from Jack's Point.

Tennis and General Sports

Jack's Point is a settlement in which to live, work and play. This is particularly important for the family, ensuring all recreational pursuits can be enjoyed without having to drive 20 kms or more. Two all weather tennis courts provide fun for all abilities.

A sports oval provides first class cricket in the summer, converting to a rugby and soccer field in the

Late - Received 8/02/2017

Appendix C

Jack's Point is a settlement. A settlement for a new century. A new century that is unfolding just as we start to truly gain respect for the beauty and fragility of our natural environment, as we begin to appreciate the thought that luxury is more about experiences than about possessions and as we finally realise that life was never intended to be a spectator sport.

Jack's Point will attract a diverse mix of ages, interests, characters and personalities. Many will settle here full time, some will work here, others will pass through for a few days or a few weeks and others still will drop in for the day or the afternoon just to experience the place.

When you buy a little piece of Jack's Point, you also buy in to a great big piece of wonder and wilderness in the achingly beautiful area of Queenstown New Zealand.

Not a housing development, not a gated community but a real living, breathing, developing, evolving settlement. Just like any thriving settlement, it will have a village, shops, places to stay, places to eat, common areas, recreational areas and private properties – but unlike most settlements it will be 95% preserve. Be assured, this Preserve is not just 'land in waiting for development'. This is and always will be, just as it is now – breathtakingly beautiful.

Jack's Point combines luxury accommodation, contemporary architecture, and a sustainable design approach positioned amid the breath-taking scenery of New Zealand's Southern Alps.

Jack's Point lies at the foot of the Remarkables mountain range on 3,000 acres of lakefront property on the shores of Lake Wakatipu, just 15 minutes by car or boat from Queenstown.

At the heart of this masterplanned community is a pedestrian village that will feature a variety of restaurants, shops, and services. Other amenities include an 18-hole championship golf course, 2,000 acre nature preserve, an extensive network of walking and biking trails, and convenient access to all the area's ski fields.

Jack's Point is a truly authentic and unique destination and represents a rare opportunity to own a piece of New Zealand.

QUEENSTOWN
NEW ZEALAND
www.jackspoint.com



 jacks point®

Come and visit us, we are just a few minutes' drive from Queenstown International Airport.

Or visit us online.

www.jackspoint.com

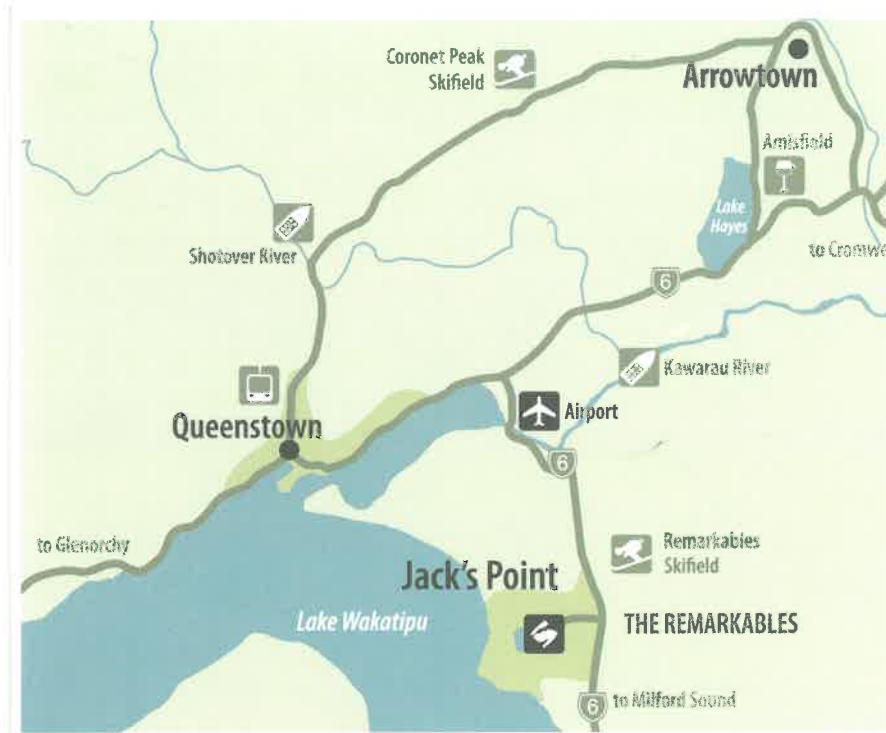
Telephone (03) 450 2052
NZ free phone 0800 185 225
Australia free phone 1800 036 834

 jacks point®





5% Settlement, 95% Preserve, 100% Life



605

Come and visit us, we are just a few minutes' drive from Queenstown International Airport.

Or visit us online.

www.jackspoint.com

Telephone (03) 450 2052

NZ free phone 0800 185 225

Australia free phone 1800 036 834



Appendix D

605

TO KELVIN HEIGHTS/QUEENSTOWN

LAKE WAKATIPU

BEACH ACCESS

Jack's Point Loop
 WALKING TIME | 1.5 - 2 Hours
 GRADE | Medium to Hard

Lakeside Trail
 WALKING TIME | 1.5 - 2 Hours to Kelvin Heights
 GRADE | Easy

Preserve Loop
 WALKING TIME | 1.5 - 2 Hours
 GRADE | Medium

Stragglers Loop
 WALKING TIME | 3 - 4 Hours
 GRADE | Medium

Future Trail

Lake Tewa Loop
 WALKING TIME | 25 Minutes
 GRADE | Easy

Remarkables Loop
 WALKING TIME | 1.5 - 2 Hours
 GRADE | Easy

MAP KEY

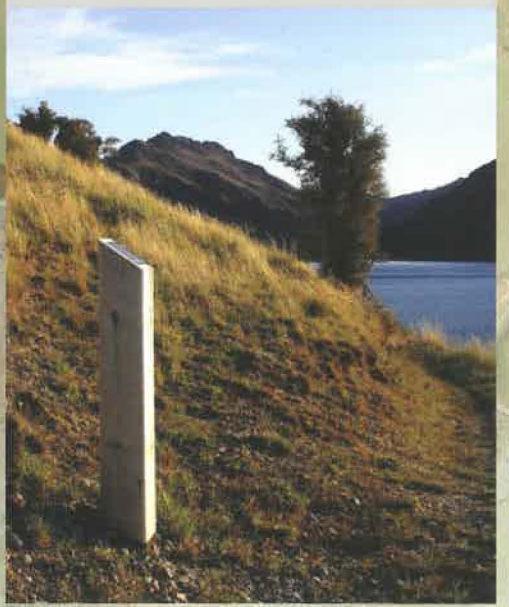
- MOUNTAIN BIKING
- WALKING
- DOGS ON LEASH
- WATCH FOR GOLFERS AND GOLF CARTS
- TRAIL BOLLARDS
- LOOKOUT
- PICNIC AREA
- POINT OF INTEREST
- PARKING
- FENCE LINE



Courtesy of Jack's Point Residents & Owners Association Inc.

Late - Received 8/02/2017

TRAIL BOLLARDS



Beware - Steep Cliff

EASIEST WAY TO CLUBHOUSE BY BIKE

LODGE RD

PRESERVE DR

HIDDEN ISLAND RD

BLACK SHED RD

HOMESTEAD BAY RD

CLUBHOUSE AND RESTAURANT

LAKE TEWA

LANNOCH DR

McADAM DR

CAPPIE DR

MAORI JACK RD



Welcome to the Jack's Point Trails.

These trails will allow you to experience the beauty of Jack's Point at your own pace. Please; stay off the golf course, respect signage, stay on trails, watch for golfers, do not litter, respect residents property, leave gates as you find them, keep dogs on lead and pick up after them.

If you have any questions on the trails or want to learn more about Jack's Point, be sure to visit us at the Jack's Point Clubhouse, www.jackspoint.com or call us on 03 450 2050.

Make it a picnic - Visit us at the Restaurant and grab a picnic lunch for takeaway or call ahead on 03 450 2050 to pre-order your picnic so it's waiting when you arrive.

Lakeside Trail

WALKING TIME | 1.5 - 2 Hours to Kelvin Heights
 GRADE | Easy
 JOURNEY | Walk/Bike

One of Queenstown's most spectacular walks follows the shore of Lake Wakatipu through to Kelvin Heights and ultimately links up to the Frankton track into Queenstown.

i Points of Interest: Looking west across the lake from here you can see a small island off Refuge Point called Hidden Island, aptly named because from Queenstown it is near impossible to see.



Stragglers Loop Future Trail - Still under construction

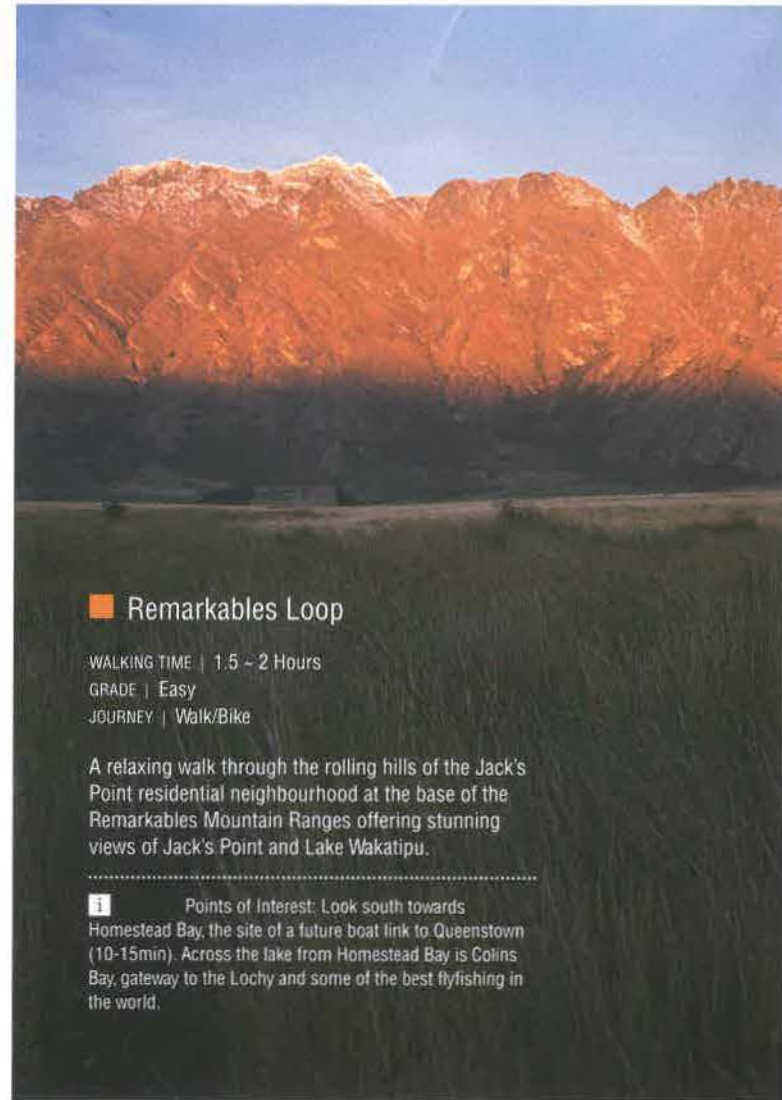
WALKING TIME | 3 - 4 Hours
 GRADE | Medium
 JOURNEY | Walk/Bike

Enjoy a peaceful journey through farmland and up a winding valley to viewpoints offering stunning views of Lake Wakatipu and Queenstown before descending back through the Preserve towards the Jack's Point Clubhouse.

i Point of Interest: To the north is Peninsula Hill. Keep an eye out for small Fallow Deer and larger Red Deer. The New Zealand Red Deer herd originated from the British Royal Families herd in Richmond Park.



www.jackspoint.com



Remarkables Loop

WALKING TIME | 1.5 - 2 Hours
GRADE | Easy
JOURNEY | Walk/Bike

A relaxing walk through the rolling hills of the Jack's Point residential neighbourhood at the base of the Remarkables Mountain Ranges offering stunning views of Jack's Point and Lake Wakatipu.

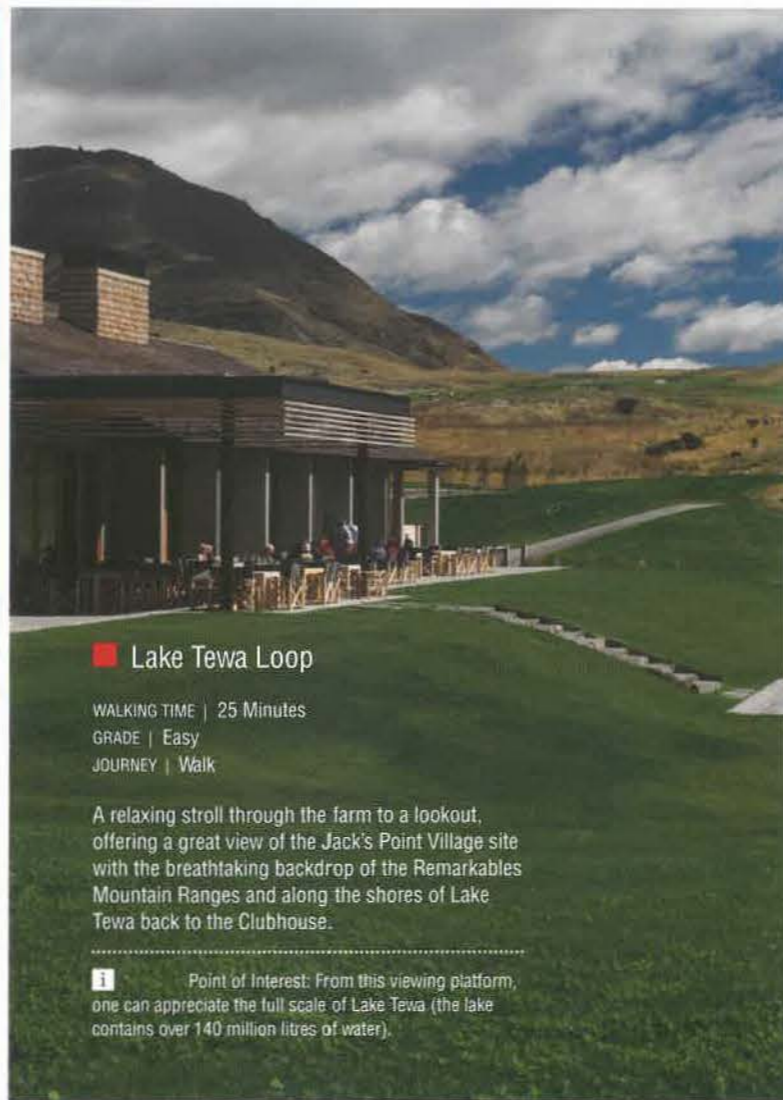
i Points of Interest: Look south towards Homestead Bay, the site of a future boat link to Queenstown (10-15min). Across the lake from Homestead Bay is Colins Bay, gateway to the Lochy and some of the best flyfishing in the world.

Jack's Point Loop

WALKING TIME | 1.5 - 2 Hours
GRADE | Medium to Hard
JOURNEY | Walk/Bike

A meandering path up to the top of Jack's Point where you can enjoy stunning panoramic views of Lake Wakatipu, Queenstown and the surrounding mountains.

i Points of Interest: The point you are standing on is called Jack's Point, named in honour of Jack Tewa and his heroic rescue of John Mitchell in 1862.

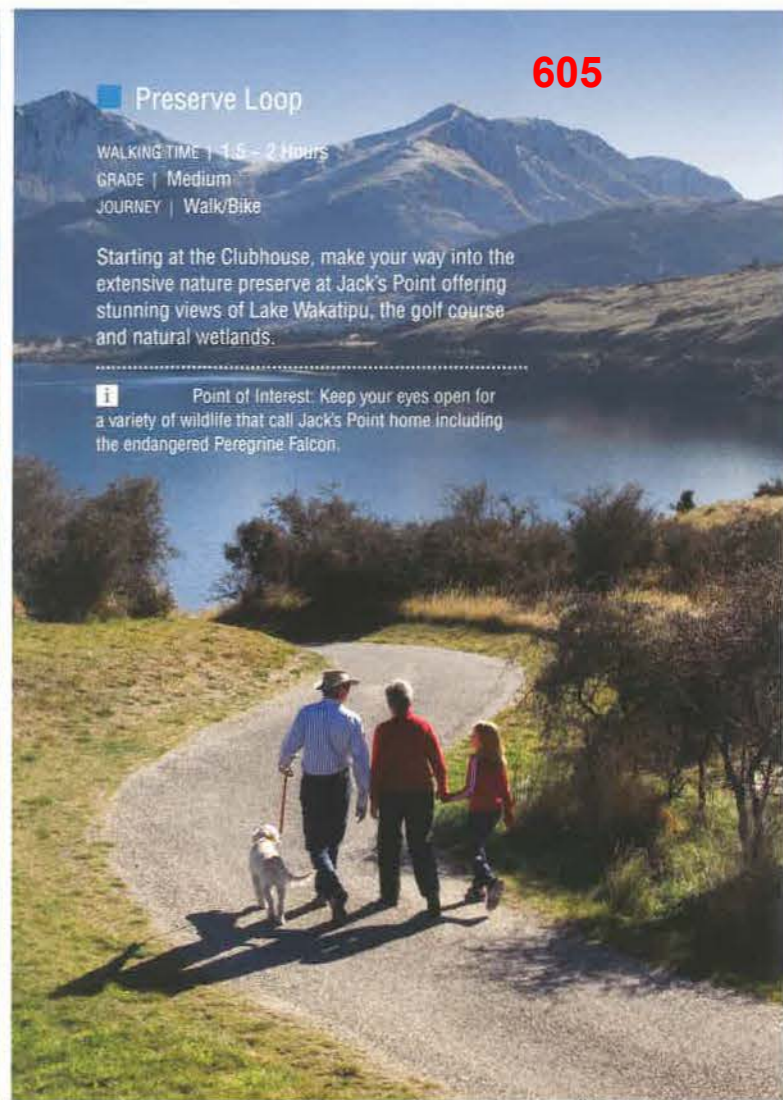


Lake Tewa Loop

WALKING TIME | 25 Minutes
GRADE | Easy
JOURNEY | Walk

A relaxing stroll through the farm to a lookout, offering a great view of the Jack's Point Village site with the breathtaking backdrop of the Remarkables Mountain Ranges and along the shores of Lake Tewa back to the Clubhouse.

i Point of Interest: From this viewing platform, one can appreciate the full scale of Lake Tewa (the lake contains over 140 million litres of water).



Preserve Loop

WALKING TIME | 1.5 - 2 Hours
GRADE | Medium
JOURNEY | Walk/Bike

Starting at the Clubhouse, make your way into the extensive nature preserve at Jack's Point offering stunning views of Lake Wakatipu, the golf course and natural wetlands.

i Point of Interest: Keep your eyes open for a variety of wildlife that call Jack's Point home including the endangered Peregrine Falcon.

Appendix E

QUEENSTOWN LAKES DISTRICT COUNCIL

DECISION FOR: **Variation 16**

ISSUE: **Jacks Point Zone**

DATED: **15 August 2003**

CONTENTS

1.0	Introduction	2
2.0	Background	3
3.0	List of Submitters	5
4.0	The Hearing	5
5.0	Outcome of Decisions on Submissions	6
6.0	Decisions	12
6.1	Supporting Submissions	12
6.2	Opposing Submissions	15
6.3	Intensity and Density of Proposed Development	60
6.4	Commercial Activities	70
6.5	Non Consequential Amendments	73
6.6	Building Height	74
6.7	Amendments to the Jacks Point Zone Structure Plan	78
6.8	Mining of Rock, Aggregate and Gravel	79
6.9	Extension of the Jacks Point Zone – Henley Downs Land	82
6.10	Extension of the Jacks Point Zone – Homestead Bay	97
6.11	Traffic Safety	119
6.12	Strategic Planning	122
Appendix 1	Amendments to the Queenstown Lakes Proposed District Plan	
Appendix 2	Variation 16, As Notified	
Appendix 3	List of Submitters and Further Submitters	
Appendix 4	Stakeholders Deed (including Development Controls and Design Guidelines for the Tablelands)	
Appendix 5	Legal Agreement – Queenstown Lakes District Council and D and J Jardine and G Boock	
Appendix 6	Proposed Structure Plan submitted by Jacks Point Limited	
Appendix 7	Proposed Structure Plan submitted by Henley Downs Holdings	
Appendix 8	Proposed Structure Plans submitted by Jardine/Boock	

1.0 INTRODUCTION

This decision sets out considerations and decisions on submissions lodged to Variation 16 – *Jacks Point Resort Zone* of the Proposed District Plan.

The provisions of the Queenstown Lakes District Council's Proposed District Plan affected by this decision are:

Plan Section	Provisions
12.1 Special Zones	Issues, Objectives, Policies, Methods and Anticipated Outcomes
12.2 Special Zones	Resort Zone Rules
12.5 Special Zones	Resource Consent Assessment Matters – Resort Zones
15.2.3 Subdivision	Discretionary Activities
15.2.7 Subdivision	Assessment Matters
18.2 Signs	Rules
18.3 Signs	Assessment Matters

Submissions are assessed either individually or grouped where the content of the submissions is the same or similar.

In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within square brackets. In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with their submission number shown in *italics* within square brackets.

In making decisions the Hearings Panel has:

- (i) been assisted by a report prepared by it's planning staff. This report was circulated to those persons and bodies seeking to be heard at the hearing, prior to the hearing taking place;
- (ii) had regard to all those matters raised by submitters and further submitters in their submissions and further submissions and at the hearing; and
- (iii) had regard to the provisions of Section 32 of the Resource Management Act 1991.

All decisions on submissions are included within a box headed 'Decision'. Where there are changes to be made to the Proposed District Plan these are shown as underlined text. This indicates where specific text is to be included in the Proposed District Plan. Text that is shown as struck out (ie with a line through it) indicates where text is to be removed from the Proposed District Plan.

Unless stated otherwise, each decision in this report is made independently in respect to that submission to which it relates, based on the Variation as notified. Appendix 1 to this report represents a collaboration of all the decisions within this report. Consequently, minor amendments to the wording and numbering of the amendments may occur within Appendix 1 to achieve the intent of the entire decision.

Where any inconsistency exists between amendments contained in the body of this decision and Appendix 1, those amendments contained in Appendix 1 shall take precedence.

Where District Plan provisions for Jacks Point are referred to (eg Site Standard 12.2.5.2), that reference is to the numbering of the provision in Variation 16, as notified (refer Appendix 2).

2.0 BACKGROUND

2.1 Brief Planning History

In 1993 the Queenstown Lakes District Council commissioned the preparation of a Settlement Strategy to assist in decision making related to urban growth issues. The Settlement Strategy identified two areas outside the Queenstown urban boundaries as having 'considerable potential' for future residential development. One of those areas was the Coneburn Downs area.

The Queenstown Lakes District Proposed District Plan, as notified in 1995, identified areas suitable for 'new town' development by introducing a 'New Residential Development Zone'. Upon notification of the Plan submissions were lodged by Henley Downs Holdings Limited and the Jardine's seeking that the Coneburn Downs area also be identified as an area suitable for future residential development. However, the Council's decision was to delete all references to the 'New Residential Development Zone' from the Plan and the Coneburn Downs area retained its rural zoning.

Following the Council's decisions on submissions, Henley Downs Holdings Limited and the Jardine's lodged appeals in regard to their respective submissions. Having reached agreement with the Council, the referrers are now attempting to resolve the references by establishing objectives and policies in the Plan that recognise the potential for future urban development in the Coneburn Downs area. The relevant consent order proposes that any future rezoning of land in the Coneburn Downs area be subject to a detailed assessment in terms of the following issues:

- Landscape values
- Amenity values
- Views from rural scenic roads
- Protection of the Lake Wakatipu margin
- Transportation, particularly in relation to safety
- Servicing
- Integrated development and design

On the 6 October 2001 the Queenstown Lakes District Council notified Variation 16 – *Jacks Point Resort Zone*. Following notification, the Council called for submissions on the proposed Zone, followed by further submissions. In March 2002 the Council placed the Variation on hold, pending advice from the community with respect to its appropriateness.

In July 2002 the Council held a number of Public Workshops to assist in the formulation of a Strategic Plan (*Tomorrow's Queenstown*) for Queenstown. The Council found that the Coneburn Downs area was accepted by the community as a landscape that could successfully absorb future urban development if it was carried out in an environmentally sensitive manner. Having had regard to the outcomes of the strategic planning process, the Council resumed with the variation process for Jacks Point Resort Zone.

2.2 The Site – As Notified

The Jacks Point land is located south of Frankton and below The Remarkables, approximately 10 minutes drive from Queenstown Airport and 5 minutes past the turnoff to the Remarkables Ski Area towards Kingston. The site is bounded on the east by State Highway 6 / Kingston Road and Lake Wakatipu to the west. The site, as notified, is 420 hectares in area and currently forms part of Remarkables Station.

Remarkables Station is a working station in excellent condition, running a combination of sheep, cattle and deer. It is intended that Remarkables Station will continue to be run as a viable working farm and the development of Jack Point Zone will enhance the viability and productivity of the balance land of the farm.

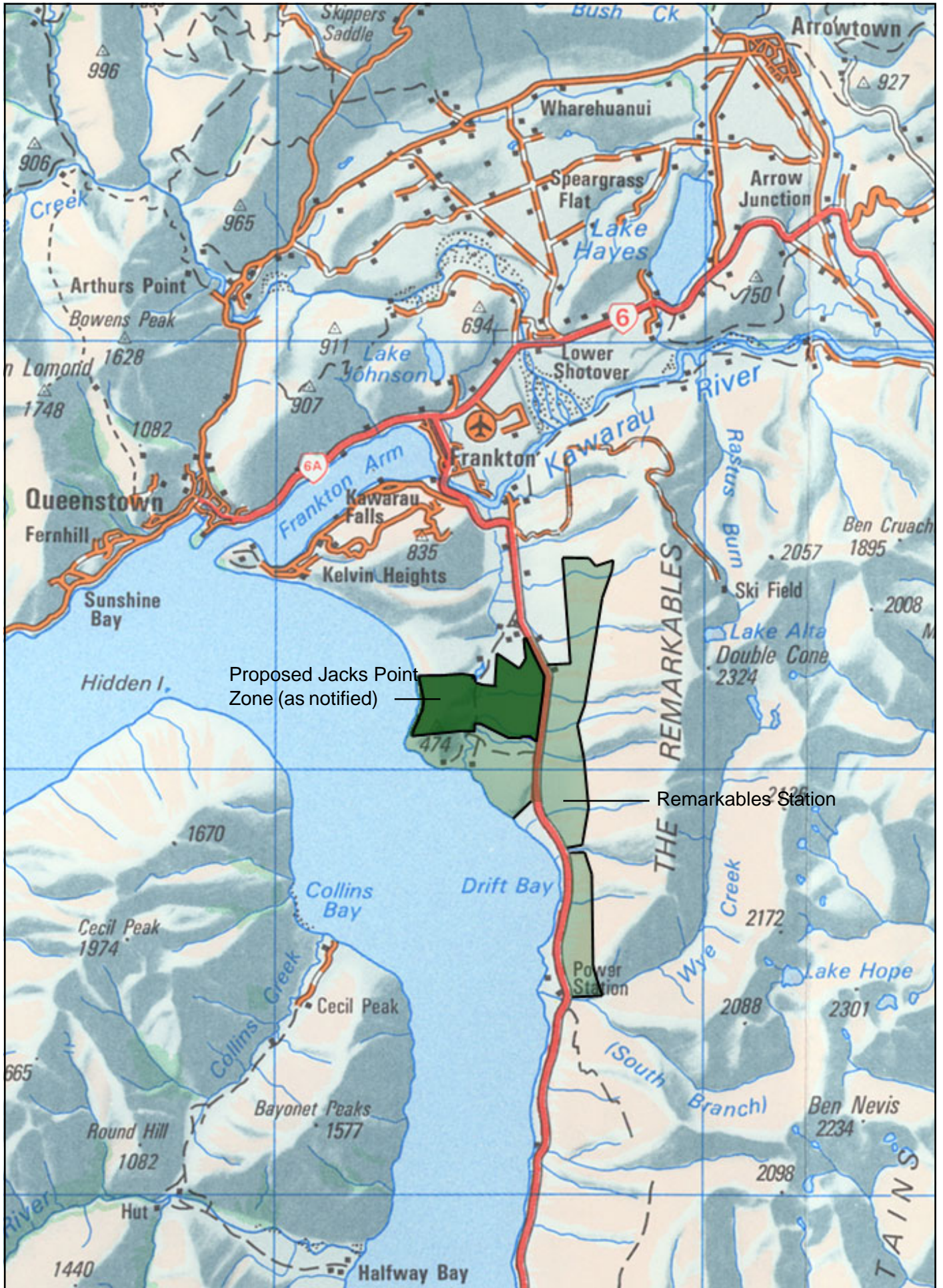


Figure 1 - The Jacks Point Zone, as notified

NTS

11 August 2003

Late - Received 8/02/2017

2.3 The Purpose of Variation 16

The purpose of the Jacks Point Variation, as notified, was to enable the development of land in the Coneburn Downs area for a high quality golf resort with associated housing, visitor accommodation and outdoor recreation opportunities. The key features of the Zone included:

- Retaining 95% of the Zone in open space, in the form of golf courses, planting, landscaping, access, parking and gardens;
- Only 5% building coverage within the Zone;
- Strong emphasis on landscape protection in the form of management sub-zones aimed at protecting the landscape and natural character;
- Strong emphasis on creating and regenerating native vegetation, wetlands and native riparian areas;
- Strict adherence to building design guidelines, both through the District Plan and through a Design Control Committee;
- High quality accommodation, golf courses and recreation amenities;
- Improved public access to and along Lake Wakatipu;
- Controlled light levels to reduce glare and lighting levels;
- On-site sewerage treatment and use of renovated water for irrigation of landscape planting areas.

2.4 General Intent of Submissions

The intent of submissions received for Variation 16 can be 'generally' summarised as follows:

- General support for the Variation;
- Residential density proposed by the Variation is too high;
- The cap on residential density is unnecessary;
- Existing vegetation needs to be retained;
- Extension of zone boundaries to include land to the north, owned by Henley Downs Holdings Limited;
- Extension of zone boundaries to include land to the south (Homestead Bay), owned by the Jardine's;
- Addition of access performance standards and other mechanisms to ensure road safety;
- Miscellaneous amendments to various rules and other provisions; and
- Opposition to the Variation, based on specific resource management, landscape, and other issues.

2.5 Information Resources

In considering submissions (including evidence) and making decisions, the following information (inter alia) has been considered by the Hearings Panel:

Report Title	Author	Date of Release
Coneburn Area Resource Study	Darby and Partners	October 2002
Remarkables Station Property Report	M F Moore, Moore and Associates	August 2001
Geological Appraisal of the Jacks Point Development Area	R Thomson	August 2001
Botanical Values of the Proposed Jacks Point Golf Course Resort	N C Simpson, Conservation Consultancy Limited	August 2001
Soils of the Jacks Point Development, Queenstown	A E Hewitt, Landcare Research	September 2001
Kai Tahu ki Otago Ltd Report for Jacks Point Golf Resort	Edward Ellison	August 2001
Jacks Point Development Archaeological Assessment	P G Petchey	August 2001

Economic Analysis of the Jacks Point Resort Zone Variation	Philip Donnelly and Associates Limited	September 2001
Traffic Report for Jacks Point Limited	Traffic Design Group	August 2001
Jacks Point Development Infrastructural Services	Construction Management Services	September 2001
Soil Survey and Site Suitability for Discharge of Domestic Wastewater at Jacks Point	Glasson Potts Fowler	January 2003
Landscape Assessment for Jacks Point Variation (S32 Report)	Darby and Partners	September 2001
Landscape Assessment for Jacks Point Variation	L Kidson, CivicCorp	March 2003

3.0 LIST OF SUBMITTERS

Refer Appendix 3 - List of Original Submitters and Further Submitters.

4.0 THE HEARING

The hearing to consider submissions and further submissions to Variation 16 – *Jacks Point Resort Zone* of the Queenstown Lakes District Plan commenced at 9am on 26 March 2003 at the Queenstown Lakes District Council Chambers, Gorge Road, Queenstown. The Hearings Panel consisted of Councillor W McKeague (Chairperson), Councillor K Neal, Councillor C Kelly and Councillor G Macleod. In attendance at the Hearing was C Lucca (Policy Planner), L Kidson (Landscape Architect) and J Macmillan (Panel Secretary).

The Hearings Panel heard evidence from the submitters on 26, 27, and 28 March 2003, before entering into committee to deliberate on the submissions. While hearing evidence the Panel questioned the submitting landowners (Jacks Point Limited, Henley Downs Holdings Limited and D and J Jardine) on several important issues and sought clarification as to how those issues would be addressed. In reply to those concerns raised, the submitting landowners prepared further evidence for the Panel's consideration (refer section 5.2 of this decision). On 1 August 2003 the Panel reconvened the hearing to allow the submitting landowners to present the further evidence to the Panel. While all submitters to Variation 16 were advised of the reconvened hearing and were invited to comment on the further evidence which had been pre-circulated to all submitters, it is noted that the Wakatipu Environmental Society was the only submitter who responded.

The parties listed hereafter presented written and oral evidence to the Panel. For the purposes of understanding this decision, their evidence is noted and considered in conjunction with the relevant submissions.

It is noted that while Naturally Best New Zealand Limited and Shotover Park Limited made substantial and significant submissions and further submissions to Variation 16, neither party was represented or appeared at the hearing or provided evidence in support of their submissions.

- 4.1 **Jacks Point Limited** [16/26/1-7] [322/16/10/1] [322/16/19/1-4] [322/16/35/1-10, 12, 13, 15, 17-20, 22, 25 & 27] [322/16/38/1] [322/16/40/1-3 & 5-12] [322/16/41/1-10, 12, 15, 17-20, 22, 25 & 27] [322/16/43/1] [322/16/49/2] [322/16/49/3] [322/16/52/1] [322/16/55/1] presented written, visual, and oral evidence to the Hearings Panel in support of their submissions and further submissions.

Mr Warwick Goldsmith was legal counsel to Jacks Point Limited during the hearing. The following experts provided evidence and were questioned by the Hearings Panel:

Mr John Darby

Director, Darby Partners Limited

Mr John Edmonds	Planner, Edmonds and Associates
Mr Brett Thomson	Landscape Architect, Darby Partners Limited
Mr Ken Gousmett	Engineer, Construction Management Services
Mr Don McKenzie	Traffic Design Group Limited
Mr Robert Potts	Engineer, Glasson Potts Fowler Limited

- 4.2 **DS & JF Jardine and GB Boock** [16/27/1 – 21] [341/16/27/1] presented written, visual, and oral evidence to the Hearings Panel in support of their submissions and further submissions.

Mr Phil Page was legal counsel to DS & JF Jardine and G B Boock during the hearing. The following experts provided evidence and were questioned by the Hearings Panel:

Mr James Lunday	Urban Designer / Planner, Common Ground
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- 4.3 **Henley Downs Holdings Limited** [16/19/1 – 4] [343/16/10/1] [343/16/35/1] [343/16/35/3] [343/16/35/22] [343/16/35/6] [343/16/38/1] [343/16/41/1] [343/16/41/22] [343/16/41/3] [343/16/41/6] presented written and oral evidence to the Hearings Panel in support of their submissions and further submissions.

Mr Graeme Todd was legal counsel to Henley Downs Holdings Limited during the hearing. The following experts provided evidence and were questioned by the Hearings Panel:

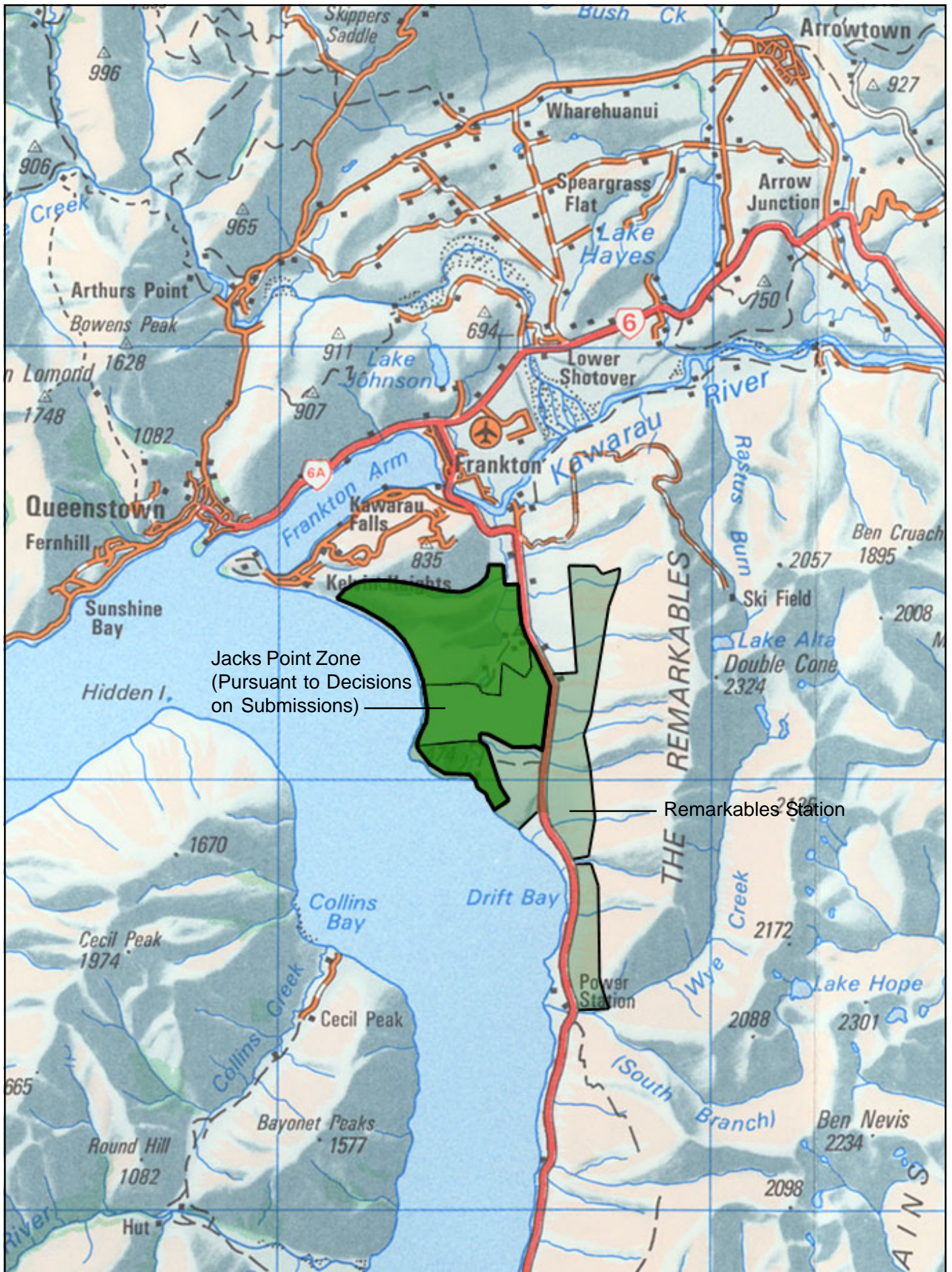
Mr Donald Miskell	Landscape Architect, Boffa Miskell Limited
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- 4.4 **Don Spary** [16/45/1] presented oral evidence to the Hearings Panel in support of his submission.
- 4.5 **Jay Cassells** [16/5/1] presented written and oral evidence to the Hearings Panel in support of his submission.
- 4.6 **Wakatipu Environmental Society** [16/52/1] was represented by Executive Board member, Ms Karen Swaine. Ms Swaine presented written and oral evidence to the Hearings Panel in support of their submissions and, in addition, raised additional concerns, particularly in regard to the potential environmental impacts of the proposed golf course associated with the development. Ms Swaine also raised the matter of community housing and questioned whether the proposed Zone would assist in addressing issues related to the community housing in the Wakatipu basin.
- 4.7 **Justin Prain** [16/37/1] and **Clearwater Resort Limited** [16/6/1] were represented by Mr Justin Prain, Development Director for Clearwater Resort Limited. Mr Prain provided written, visual and oral evidence to the Hearings Panel in support of the submissions.

5.0 SUMMARY OF THE DECISIONS ON SUBMISSIONS

5.1 The Site – Pursuant to Decisions on Submissions

Following decisions on submissions (set out below), the Jacks Point Zone has been extended to include land to the north and south of its boundaries as notified (refer section 2.2) and now constitutes an area of 1253 hectares.



Jacks Point Zone
(Pursuant to Decisions
on Submissions)

Remarkables Station

Figure 2 - The Jacks Point Zone Pursuant to Decisions on Submissions

The Zone is located south of Frankton and below The Remarkables, approximately 5 minutes drive from Queenstown Airport and a few minutes past the turnoff to the Remarkables Ski Area towards Kingston. The site is bounded to the north by Peninsula Hill (and includes the southern escarpment of the Hill) and by Lake Wakatipu to the south (at Homestead Bay). To the east the site is bounded on by State Highway 6 / Kingston Road and to the west the site is bounded by Lake Wakatipu.

5.2 The Purpose of the Zone – Pursuant to Decisions on Submissions

The purpose of Variation 16, as notified, is described in section 2.3 above. While the key features of the Zone remain the same following this decision, the variation process (including the hearing) has added significantly to the purpose of the Jacks Point Zone. While the Zone still anticipates a high quality golf course (which reflects local character and utilises nature features and native vegetation), and associated visitor accommodation activities and resort homes, emphasis has been placed on the communities aspirations for the area, as identified through the various strategic planning processes that have occurred over the last 10 years. In particular, the Zone now seeks to:

- Enable residential and visitor accommodation in a high quality sustainable environment including two villages;
- Ensure that development results in sustainable communities constituting mixed density development, best practice methods of waste disposal and longevity in quality and built form; and
- Provide mechanisms that will ensure that urban development contributes to providing for the social, economic and cultural wellbeing of the wider community while assisting in ecological enhancement and seamless integration of built and natural environment.

Section 12 of the Proposed District Plan identifies the issues associated with the Jacks Point Zone and through objectives, policies, methods, rules and assessment matters, seeks to avoid, remedy and mitigate any potential adverse effects on the environment.

It is intended that the Jacks Point Zone be developed in a number of stages. It is anticipated that the first stage will include the development of an 18-hole championship golf course, a number of resort homes, a luxury lodge, the creation of public walkways and beach reserve access, and car parking. It is also intended to undertake selective native revegetation during this stage.

The second stage onwards will see the development of residential homes, a village centre and public domain, equestrian facilities, a health spa and associated facilities. Selective native revegetation, ecological enhancement, and the construction of walking, bike and horse trails will continue to be carried out during the development of the Zone.

The key planning mechanisms of the of the Zone include:

- The implementation of a structure plan (including the identification of activity areas suitable for various types of land use activities) and District Plan provisions to ensure quality environmental outcomes;
- The use of development controls and design guidelines in conjunction with a 'Design Review Board' to ensure quality environmental outcomes;
- An upper limit (in terms of percentage) on the area of land that may be developed within the Zone;
- The requirement to stage urban, open space and recreational development; and
- The establishment of a 'Stakeholders Deed' between the primary landowners and Council, to ensure certainty in regard to the quality environmental outcomes sought by the community.

5.3 Stakeholders Deed and Other Matters

In considering submissions to Variation 16 and making their decisions, the Hearings Panel noted that there were a number of matters that needed to be addressed (to ensure sound

resource management and community benefit from the proposed Zone) but were not raised by submission or appropriately dealt with in the Proposed District Plan. These matters included:

- The provision of public access and public space, including a 'public domain';
- The establishment of development controls and design guidelines;
- The provision of affordable community housing;
- The provision and management of infrastructure (ie for the provision of potable water, irrigation, sewage disposal, power, telecommunications and roading); and
- The construction and maintenance of golf courses.

The parties to the Stakeholders Deed, being the Queenstown Lakes District Council, Jacks Point Limited, Henley Downs Holdings Limited, and Dick and Jillian Jardine and Gerard Boock, have agreed that issues relating to the above matters can be appropriately and adequately addressed through a legal deed. The Deed, which embodies the agreement reached between the parties in relation to those matters, is legally enforceable by each and all of the parties.

The essence of the Deed is described in paragraph F of the same, as:

"...that Jacks Point, Henley Downs and Jardine as submitters to the Variation and landowners of the Coneburn Land and the Council wish to ensure that... the land within the Zone will be developed in a coordinated and harmonious manner and that the environmental and community outcomes envisaged by this Deed will be achieved."

It is worthwhile noting that paragraph 28 of the Deed states:

"As far as the Council is concerned, this Deed has been negotiated and finalised by the executive arm of the Council. The regulatory arm of the Council has not been involved in any way, and in particular the members of the Hearings Panel who are determining the Variation have not been involved. This Deed does not bind, restrict or in any way fetter the Council's regulatory powers and obligations under the Resource Management Act or any other relevant legislation."

In addition to the Stakeholders Deed, the Council has entered into a legal agreement with Dick and Jillian Jardine and Gerard Boock (refer Appendix 5 – Legal Agreement). That agreement records the parties' commitment to their shared vision for the future management and development of the Remarkables Station, which in essence, is to be undertaken in accordance with the land use and landscape management principles set out in the Coneburn Area Resource Study.

5.4 Activities within the Zone

The Jacks Point Zone, pursuant to decisions on submissions, constitutes 1253 hectares of land over a mixed topography, including tablelands, hummocks, lake and hill escarpments, lake terraces, a central valley area and Jacks Point. It is envisaged that development at Jacks Point will result in 10% - 15% of the land appearing as domesticated or with intense human modification, while the balance of the land will appear largely as open space.

The Tablelands

Due to their high ecological, landscape and visual amenity values, the tablelands are a sensitive area that will require a suitably subservient response in terms of design and controls if development is to be successfully absorbed. And even then development must be limited and assist in protecting and enhancing those values associated with the tablelands.

A Homesite Activity Area is a predesignated area within an allotment. Within the allotment, all built improvements, except access, underground services and waste water disposal systems, must be located entirely within the Homesite boundaries. Within the Jacks Point Zone 36 Homesite Activity Areas, each between 2,400m² and 2,900m², have been identified on the tablelands.

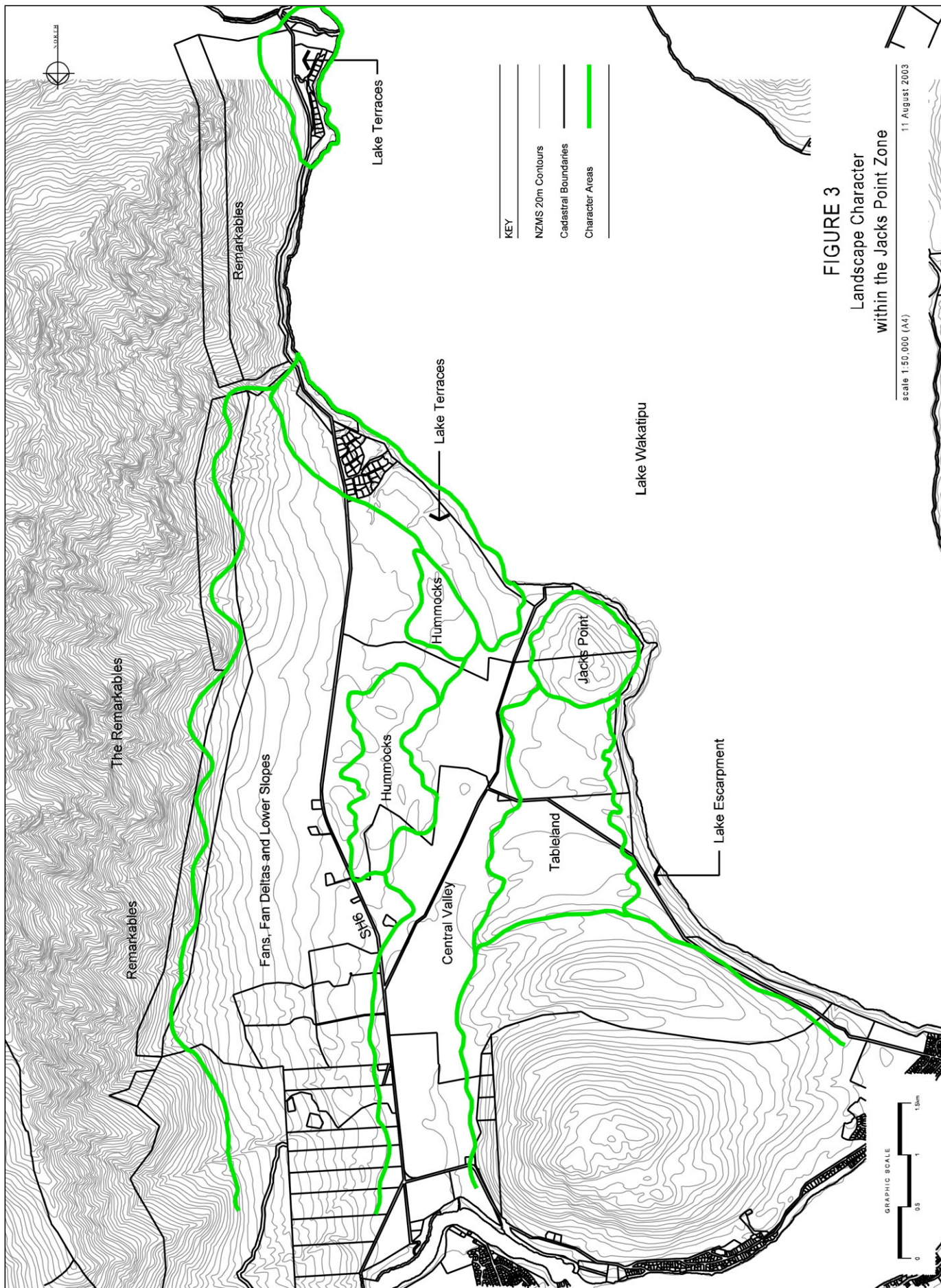


FIGURE 3
Landscape Character
within the Jacks Point Zone

scale 1:50,000 (A4) 11 August 2003

Each Homesite Activity Area allows for one residential unit and associated residential activities as a controlled activity. The Council's control extends to a range of matters to ensure that the resulting development remains subservient to the landscape within which it is located. In addition to District Plan controls, development on the tablelands must also be carried out in accordance with Council approved development controls and design guidelines, which are covenanted to titles and form part of the Council's assessment matters for resource consent applications.

To avoid the cumulative visual effects of domestication associated with development, emphasis is placed on residential activities being confined to and screened within the Homesite Activity Area. Fences, lighting, materials, and other activities, which have the potential to result in adverse visual effects, are controlled, and the storage of vehicles and materials is limited to screened areas.

While development has been enabled on the tablelands, significant ecological enhancement is sought in return. The tablelands contain a system of wetlands that are locally and nationally important. Wetlands are among the most threatened habitat types in Queenstown, as well as throughout New Zealand, and accordingly, it is appropriate to protect and enhance them where possible. With the requirement for extensive revegetation prior to development legislated into the District Plan, and a number of other ecological management principles in place, development on the tablelands will result in a net environmental gain.

Jacks Point

On Jacks Point an area has been designated as being suitable for a luxury lodge, subject to an appropriate design response to the landscape. Any design of a lodge and associated activities is subject to development controls and design guidelines and, in addition, the Council retains the discretion to decline a resource consent application for a lodge if the proposed design does not respond appropriately to the environment.

Lake and Peninsula Hill Escarpments

The lake escarpment on the western boundary of the Jacks Point Zone is predominantly covered in native shrubland. The Peninsula Hill escarpment, on the northern boundary of the Zone, is sparsely covered in matagouri stands and other native fauna, amongst schist rock outcrops and ridges. Both areas have significant ecological, landscape and visual amenity values to the Zone and the District.

The lake and Peninsula Hill escarpments are designated as Landscape Protection Areas and must be landscaped and managed in accordance with a Council approved management plan. Development at Jacks Point will result in the enhancement of these areas, along with the establishment of ecological corridors. The Council has agreed with the landowners a network of public walkways across these areas, which are intended to form part of the wider network of Wakatipu trails.

Central Valley

Visibility analysis of the site has identified those areas that have the ability to absorb development. The Central Valley, which is essentially a basin, has the ability to absorb dense development with minimal visual impact beyond the Zone boundaries. In addition, those areas sited as being appropriate for development are located in areas that are, in relation to amenity values, the most desirable.

The Central Valley has been designated for the development of a village (comprising commercial, recreational, resident and visitor activities) and residential nodes (with the capacity to absorb approximately 1,400 dwellings). Provision has been made for significant public space within and around the village and residential areas, with an emphasis on providing a planning framework that will foster community growth in the long term.

While all subdivision and development within the village and residential areas is a controlled activity, and as within any other area of the Zone, must be carried out in accordance with Council approved development controls and design guidelines, it must also be master planned. Prior to development occurring, the developer must submit to Council, for their

approval, a density master plan showing staging, and an outline plan addressing the following issues:

- Roading Pattern;
- Subdivision design and lot sizes;
- Mitigation measures to ensure that no building will be readily visible from State Highway 6;
- Proposed Setbacks from roads and internal boundaries and/or building platforms;
- Pedestrian links through the Residential Activity Areas to connect with surrounding or adjoining Golf Course and Open Space Activity Areas and Open Space, Landscaping and Passive Recreation Activity Areas;
- The identification of areas for visitor parking, having regard to amenity values of the Zone;
- Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public;
- The maintenance of view shafts;
- The relationship and preservation of public use of and access to public open spaces; and
- Design Guidelines for future development

The Hummocks

The hummocks, located on the eastern boundary of the Zone and adjacent to the State Highway, have been designated for residential development and the provision of open space. For all intensive purposes, those areas within the hummocks that have been designated for residential development are subject to the same controls as the Central Valley area, except that subdivision is a restricted discretionary activity. Due to the sensitive nature of this landscape, and the potential adverse effects inappropriate development could have on the entire Zone, the Council has retained the discretion to decline applications for subdivision that do not respond appropriately to the landscape and visual amenity values associated with the site.

State Highway 6 Corridor

Like the lake and Peninsula Hill escarpments, the hummocky land running adjacent to the State Highway on the eastern boundary of the Jacks Point Zone has significant landscape and visual amenity value. For this reason, the land that is clearly visible from the State Highway has been designated as a Landscape Protection Area and must be landscaped and managed in accordance with a Council approved management plan.

Golf Course and Open Space

Approximately 85% to 90% of the Zone will appear to be in open space (including farm land) or golf course. Open space will predominantly be that land outside of the village and residential activity areas, and will be accessible to the wider public, with trails marked for walking, cycling or riding. An area for a public domain has also been identified, incorporating approximately 26 hectares of land suitable for a range of activities. The landowners have agreed to produce and agree with Council a Public Access and Recreation Plan prior to development within the Zone (refer Stakeholders Deed).

The proposed championship golf course, which is located both in the Central Valley and on the tablelands, shall be:

- Constructed and maintained in accordance with international integrated pest management procedures applicable to golf courses;
- Constructed and maintained as a target golf course which minimises mown areas of fairway and green and maximises retention of natural character and landscape; and
- Constructed and maintained to a "Best Practice" standard to minimise application of chemical fertilisers, pesticides and herbicides and to maximise natural and/or organic procedures as far as is reasonable and practically possible with respect to local climatic and natural conditions.

The Council shall be entitled to require an annual independent audit by appropriate expert(s) in golf course management at the cost of the golf course operator to ensure that the above standards are being met.

Lake Terraces (Homestead Bay)

While development at Jacks Point is predominantly confined to the central valley, the Zone has also enabled a village development at Homestead Bay on the terraces facing south over Lake Wakatipu. While it is acknowledged that this area is highly visible from Lake Wakatipu, the benefits associated with development in this part of the site are substantial, and it is envisaged that the proposed development will become a destination for both locals and visitors to the District.

Essentially, Homestead Bay has already been master planned. The village is designed to mimic a traditional lakefront high country settlement bound by the landscape within which it is located. As with all other areas within the Jacks Point Zone, the Council retains control over development at Homestead Bay (under the provisions of the District Plan), and all development must be undertaken in accordance with Council approved development controls and design guidelines.

It is anticipated that development in accordance with the master plan for Homestead Bay will result in:

- A vineyard and residential area containing 15 building platforms and winery activities. The vineyard introduces a soft buffer between the urban village area and the surrounding rural area.
- Open space on the foreshore and adjacent to ephemeral streams, where land use is limited to regenerating native vegetation and public walkways.
- A residential preserve limited to 12 building platforms in a regenerating native shrubland.
- A farm buildings activity area for the primary purpose of providing for the ongoing operation of the Remarkable's Station farming operations.
- A boating facilities area, comprising a double boat ramp, jetty, boat sheds, parking and public facilities, available for use by the wider community.
- A high density, high quality village area with a diversity of housing types (from studio apartments to villas), mixed in with hotels, inns, small scale retail activities, and recreation and entertainment facilities. The density of the village is constrained by the controls on heights and site coverage (ie the building footprint), which is limited to 2.5% of the entire Homestead Bay area. It is envisaged that the density will be between 140 and 200 residential units in the village.

6.0 DECISIONS

6.1 Supporting Submissions

The following submissions were made in general support to the Jacks Point Variation and were grouped together to assist the Hearings Panel in their decision making.

6.1.1 Submissions

Tony Bezett [16/1/1], **John Borwick** [16/2/1], **Paulette Caldwell** [16/4/1], **Darryn Collins** [16/7/1], **Lyell Collins** [16/8/1], **S Collins** [16/9/1], **Blair Crowe** [16/11/1], **David Grieve** [16/12/1], **R Holmes and M Scott-Malcolm** [16/21/1], **Doreen Hood** [16/22/1], **Kerry Hood** [16/23/1], **Geoff Hunt** [16/24/1], **Andrew Kitto** [16/28/1], **Peter Lawrence** [16/29/1], **John Mansfield** [16/31/1], **Peter McNally** [16/33/1], **G J Murphy** [16/34/1], **Zana Perry** [16/36/1], **Jeffrey Rae** [16/39/1], **Johan Small-Smith** [16/44/1], **Murray Wallace** [16/53/1], **Shane Wild** [16/56/1], **Gary Michael Withers** [16/57/1] and **Craig Muir** [16/58/1] support Variation 16, and accordingly, seek that the Variation be accepted/approved/granted.

Andrew Brinsley [16/3/1] supports the Variation as it proposes development that will be carried out in an environmentally conscious manner, and the style and nature of the resort will add significantly to the tourism portfolio of Queenstown and the Southern Lakes. Accordingly, the submitter seeks that Council accept the Variation.

Jay Cassells [16/5/1] supports the Variation for the reason that it is an exceptional proposal which appears, based on the material prepared, to be of a character and to have been appropriately considered such as to justify acceptance. Accordingly, the submitter seeks that Council accept the Variation.

Within his written and oral evidence presented at the hearing, Mr Cassells reiterated to the Panel the qualities of the Jacks Point proposal, the reliability of those developers involved, and his support for the Variation.

Clearwater Resort Limited [16/6/1], **Chris Herbert** [16/20/1] and **Justin Prain** [16/37/1] submit that a 5 star development at Jacks Point will add tremendous synergy and economic benefit to the South Island. The Variation will impact favourably on visitor numbers and increase the average nights stay. Accordingly, the submitters seek that Council accept the Variation.

On behalf of Clearwater Resort and himself, Mr Prain presented evidence to the Hearings Panel supporting their original submissions and, in particular, noting:

- The excellent track record of Darby Partners as developers;
- The success of previous resorts developed by Darby Partners;
- The community and national benefits that resorts such as Clearwater have provided; and
- The benefits of master planning, such as that proposed by Variation 16.

John Guthrie [16/13/1] supports the Variation as it will add to the facilities of the Southern Lakes Region. Accordingly, the submitter seeks that Council accept the Variation.

John Hanson [16/14/1] and **Peter Hanson** [16/15/1] support the Variation, as it is controlled sustainable development in the Queenstown area ensuring a good balance between development and preserving the natural amenity and special environmental characteristics that are so vital to the Queenstown area. More golf courses also will ensure more tourists who will visit for longer periods. Accordingly, the submitters seek that Council accept the Variation.

Richard Hanson [16/16/1] supports the Variation, as it is good long term use for the land and is appropriate to the scenic qualities of the area. Accordingly, the submitter seeks that Council accept the Variation.

Robert Hay [16/17/1] and **Kim Stewart** [16/47/1] support the Variation as it can only impact positively on the greater community. Accordingly, the submitters seek that Council accept the Variation.

Heliworks Queenstown Helicopters Limited [16/18/1] supports the Variation because the area is suitable for resort development, the development (if well carried out) will not cause harm to the environment, and a resort development of the proposed nature will be very beneficial for Queenstown's industry and economy. Accordingly, the submitter seeks that Council approve the Variation.

N Ishida [16/25/1], **Jackie Leat** [16/30/1] and **Fergus Spary** [16/46/1] support the Variation as Queenstown will benefit from another high class resort and it will bring further jobs to the area and a large amount of overseas money into the local industry. Accordingly, the submitters seek that Council accept the Variation.

Martin McDonald [16/32/1] supports the Variation as it will provide practical and legal public access from the State Highway through to Woolshed Bay foreshore for recreational access to the lake – for windsurfing and other such activities. Accordingly, the submitter seeks that Council approve the Variation.

Jeff Sinnott [16/42/1] and **W Vaega** [16/51/1] support the Variation as it will add amenity value to an otherwise unproductive area, and will provide further focus to Queenstown as New Zealand's premiere resort location. Accordingly, the submitters seek that Council accept the Variation.

Don Spary [16/45/1] supports Variation 16 and seeks that the Variation be confirmed. Within his oral evidence presented at the hearing, Mr Spary referred to the living example of Millbrook which has been a huge success, and benefit to the Arrowtown community. Mr Spary stated that he felt it an appropriate time for the Council to be considering the Variation proposed.

Richard Thomson [16/48/1] agrees with the development approach adopted for the resort zone and the proportion of open space to potential development area. Accordingly, the submitter seeks that Council accept the Variation.

Jeff Turner [16/50/1] supports the rezoning of land, but would wish for further opportunity to submit once housing density and design parameters are forthcoming. Accordingly, the submitter seeks that Council accept the Variation.

Angus Watson [16/54/1] supports the Variation, as it is not too intensive and not too visible from the road. It will be an asset to the area. Accordingly, the submitter seeks that Council accept the Variation.

6.1.2 Consideration

With regard to the above submissions, all submitters seek that the Council approve Variation 16, therefore confirming the Jacks Point Zone.

The submitters in support of Variation 16 consider that the proposed Jacks Point Zone will:

- Be carried out in an environmentally friendly manner;
- Add significantly to the portfolio of Queenstown and New Zealand;
- Benefit the economy of Queenstown and New Zealand;
- Increase visitor numbers to Queenstown;
- Add to the facilities of the Southern Lakes Region;
- Ensure a good balance between development and preserving the natural amenity and special environmental characteristics of the Queenstown area;
- Be good long term use of the land resource;
- Be appropriate to the scenic qualities of the area;
- Impact positively on the community;

- Create further employment;
- Provide practical and legal access to Woolshed Bay foreshore area for recreational purposes; and
- Will not be too intensive or visible from SH6.

The submitters consider that an appropriate development approach has been adopted for the Zone and that the subject site is suitable for such a proposal.

It is considered that, subject to the amendments within this decision, the proposed Zone will be carried out in an appropriate manner and will eventuate in those positive outcomes summarised above.

The purpose of the RMA 1991 is:

“... to promote the sustainable management of natural and physical resources.”

As defined in the RMA 1991, sustainable management means:

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

With regard to the above discussion, it is considered that, subject to the amendments within this decision, Variation 16 is an appropriate means of assisting in the promotion of sustainable management of natural and physical resources.

6.1.3 Decision

That the submissions by **Tony Bezett** [16/1/1], **John Borwick** [16/2/1], **Andrew Brinsley** [16/3/1], **Paulette Caldwell** [16/4/1], **Jay Cassells** [16/5/1], **Clearwater Resort Limited** [16/6/1], **Darryn Collins** [16/7/1], **Lyell Collins** [16/8/1], **S Collins** [16/9/1], **Blair Crowe** [16/11/1], **David Grieve** [16/12/1], **John Guthrie** [16/13/1], **John Hanson** [16/14/1], **Peter Hanson** [16/15/1], **Richard Hanson** [16/16/1], **Robert Hay** [16/17/1], **Heliworks Queenstown Helicopters Limited** [16/18/1], **Chris Herbert** [16/20/1], **R Holmes and M Scott-Malcolm** [16/21/1], **Doreen Hood** [16/22/1], **Kerry Hood** [16/23/1], **Geoff Hunt** [16/24/1], **N Ishida** [16/25/1], **Andrew Kitto** [16/28/1], **Peter Lawrence** [16/29/1], **Jackie Leat** [16/30/1], **John Mansfield** [16/31/1], **Martin McDonald** [16/32/1], **Peter McNally** [16/33/1], **G J Murphy** [16/34/1], **Zana Perry** [16/36/1], **Justin Prain** [16/37/1], **Jeffrey Rae** [16/39/1], **Jeff Sinnott** [16/42/1], **Johan Small-Smith** [16/44/1], **Don Spary** [16/45/1], **Fergus Spary** [16/46/1], **Kim Stewart** [16/47/1], **Richard Thomson** [16/48/1], **Jeff Turner** [16/50/1], **W Vaega** [16/51/1], **Murray Wallace** [16/53/1], **Angus Watson** [16/54/1], **Shane Wild** [16/56/1], **Gary Michael Withers** [16/57/1] and **Craig Muir** [16/58/1] are **accepted** to the extent that the Jacks Point Zone is confirmed, as amended herein.

Reasons for Decision

1. Subject to the amendments made within this decision, the Jacks Point Zone will be developed in an appropriate manner and will eventuate in positive outcomes; and
2. Subject to the amendments made within this decision, Variation 16 is an appropriate means of assisting in the promotion of sustainable management of natural and physical resources.

6.1.4 Submission – Conditional Support

Jacks Point Limited [16/26/1] submits that subject to the issues raised in the submitter's submission, the submitter supports Variation 16.

Accordingly, the submitter seeks that:

- (a) Variation 16 be amended as set out in the submitter's submission;

- (b) Council make any other amendments to the Proposed District Plan and/or Variation 16 necessary to give effect to the overall intent of the matters set out in the submitter's submission; and
- (c) Variation 16 be confirmed.

Naturally Best New Zealand Limited [344/16/26/1] and Shotover Park Limited [345/16/26/1] oppose the submission in its entirety for all the reasons set out in NBNZL's submission number 16/35 and SPL's submission number 16/41.

Submission number 16/26 and the relief sought, insofar as it seeks to include any additional land in the proposed Variation and/or anything different from the proposed Variation as notified, is outside the jurisdiction of the Queenstown Lakes District Council.

6.1.5 Consideration

With regard to the submission by Jacks Point it is considered that this decision provides for much of the relief sought in regard to the issues raised, primarily to ensure efficient management of resources whilst avoiding, remedying or mitigating any potential adverse effects on the environment. On the other hand, the Panel has also made decisions that are contrary to the relief sought by the submitter, albeit to achieve the same outcome as described above.

With regard to the submissions by Naturally Best New Zealand Limited and Shotover Park Limited, it is considered that it is within the Council's jurisdiction to consider including any additional land in the proposed Variation and/or anything different from the proposed Variation if an original submission was made to that effect.

6.1.6 Decision

That the submission by **Jacks Point Limited [16/26/1]** is **accepted in part** and that the further submissions by **Naturally Best New Zealand Limited [344/16/26/1] and Shotover Park Limited [345/16/26/1]** are **rejected**.

The submission by Jacks Point Limited is accepted to the extent that the Variation is confirmed and that the amendments sought by the submitter have been provided for in part. That part of the submission by Jacks Point Limited which is not accepted relates to the relief sought which has not been granted throughout this decision.

Reasons for Decision

1. This decision provides for relief sought by submitters where that relief sought is appropriate and will result in positive environmental outcomes; and
2. It is within the Council's jurisdiction to consider including any additional land in the proposed Variation and/or anything different from the proposed Variation if an original submission was made to that effect.

6.2 **Opposing Submissions**

The following submissions and further submissions relate to objections to the Jacks Point Zone. Where the subject of submissions is the same or similar, they have been grouped together under a common heading to assist the Hearings Panel in their decision making.

6.2.1 Submissions – Purpose and Principles of the Resource Management Act

Naturally Best New Zealand Limited [16/35/1] and Shotover Park Limited [16/41/1] submit that the proposed Variation is contrary to the purpose and principles of the Act. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/1] [322/16/41/1] oppose the submissions on the basis that the proposed Variation is not contrary to the purpose and principles of the Act.

Henley Downs Holdings Limited [343/16/35/1] [343/16/41/1] submit that the submissions are motivated by trade competition rather than any genuine resource management concerns or issues and that the Variation is consistent with the purpose and principles of the Act.

6.2.2 Consideration

The RMA 1991 provides the basis for sound resource management planning in New Zealand. The purpose of the RMA 1991 is:

“... to promote the sustainable management of natural and physical resources.”

As defined in the RMA 1991, sustainable management means:

“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

It is considered that, subject to the amendments in this decision, the Jacks Point Zone is in accordance with the purpose and principles of the RMA 1991 for the following reasons (inter alia):

- The use of the subject land for residential and resort development is an efficient use of the land resource when considering social, economic and cultural gains for the wider community;
- The proposed development is subject to District Plan provisions (and other methods) that will ensure that the adverse effects on the environment are no more than minor;
- The manner in which the proposed development will be carried out will ensure that natural and physical resources are able to meet the foreseeable needs of future generations (eg living environments, recreational facilities and employment opportunities).
- The proposed development is considered to be sustainable in nature and accordingly, will not adversely affect the life-supporting capacity of air, water, soil, and ecosystems. Moreover, the proposed development is expected to assist in protecting and enhancing native flora and fauna.

6.2.3 Decision

That the submissions by **Naturally Best New Zealand Limited** [16/35/1] and **Shotover Park Limited** [16/41/1] are **accepted in part**, and that the further submissions by **Jacks Point Limited** [322/16/35/1] [322/16/41/1] and **Henley Downs Holdings Limited** [343/16/35/1] [343/16/41/1] are **accepted in part**.

The above submissions and further submissions are accepted in part to the extent that this decision makes amendments to Variation 16 to ensure that it is consistent with the purpose and principles of the RMA 1991. Those parts of the submissions that are not accepted relate to rejecting the Variation in its entirety.

Reasons for Decision

1. Subject to the amendments within this decision, the Variation does achieve the purpose and principles of the Act.

6.2.4 Submissions – The Protection of Landscape and Visual Amenity Values

Naturally Best New Zealand Limited [16/35/2] and **Shotover Park Limited** [16/41/2] submit that the subject land has been identified as forming part of an Outstanding Natural Landscape (refer Variation background reports). However, the proposed Variation does not recognise and provide for the protection of that landscape and is contrary to Section 6b of the Act. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/2] [322/16/41/2] oppose the submissions on the basis that the land subject to the Variation does not form part of an Outstanding Natural Landscape.

Within the evidence presented to the Hearings Panel by Jacks Point Limited, the following matters (inter alia) were raised:

- The importance of the Coneburn Area Resource Study as a resource for land use planning, particularly with regard to the landscape's ability to absorb change;
- Whether an 'ONL Line' should apply within a zone such as proposed by Variation 16;
- If an 'ONL Line' is to apply, where that line lies is up for significant debate, particularly given the Environment Court's decision in regard to the same; and
- That sensitive landscapes can absorb appropriate development.

In response to the relevant Planner's Report for Variation 16, Jacks Point Limited have modified their proposal for development in that part of the Jacks Point Zone known as the tablelands. Jacks Point Limited propose the following constraints on development of the tablelands:

- Deletion of all Residential Activity Areas from the 'Category 3' lands (refer Coneburn Area Resource Study) that are more highly visible when viewed from State Highway 6;
- A significant reduction in potential development within the Tablelands Residential Activity Areas;
- Two additional site standards providing for a maximum 18 residential units as a controlled activity within the Tablelands Residential Activity Areas and requiring houses to be built within identified 'homesites';
- An additional restricted discretionary activity area for any buildings within a Tableland Residential Activity Area above that maximum number of 18 or outside a specified homesite;
- Introduction of the 'homesite' concept which requires all domestic curtilage activities to take place within a defined homesite area no greater than 2,900m²;
- An additional zone standard which largely prevents erection of buildings within the highly sensitive 'Category 5' lands comprising the Lakeshore Protection Landscape Area and the Peninsula Hill Landscape Protection Area; and
- That development of the proposed lodge in the Lodge Activity Area be assessed as a restricted discretionary activity, in respect to height, external materials, colours and landscaping.

In addition to the above perimeters for development that would largely be carried through by the Proposed District Plan, Jacks Point Limited have offered to enter into an agreement (the Stakeholder's Agreement) with Queenstown Lakes District Council providing for:

- Development Guidelines in a form acceptable to Council;
- Design Guidelines in a form acceptable to Council; and
- Best Practice management principles for the development of a golf course that minimises mown areas of fairway and green and maximises retention of natural character and landscape.

Jacks Point Limited submit that, with the submission of the proposed master planning for the tablelands, combined with the development and design guidelines for the same, the Variation will:

- Address and fulfil the District Wide Issues contained within the Proposed District Plan;

- Result in a net environmental gain over and above the current baseline land use of farming; and
- The effects of the Variation will be no more than minor.

Naturally Best New Zealand Limited [16/35/3] and **Shotover Park Limited** [16/41/3] submit that the adverse landscape and visual effects of the proposed development on the environment will be significant. The proposed development will be highly visible from several locations such as Ski Field Road and Peninsula Hill and visible from the Remarkables Park Shopping Centre and proposed amenities. The submitters seek that Variation 16 be rejected.

Jacks Point Limited [322/16/35/3] [322/16/41/3] oppose the submissions on the basis that any adverse landscape and visual effects resulting from activities anticipated in the Zone would be no more than minor.

Henley Downs Holdings Limited [343/16/35/3] [343/16/41/3] submit that the development of that part of Henley Downs land pursuant to the Variation will not be visible from the Remarkables Park development. Peninsula Hill and the Remarkables Ski Field access road, cited in the submission as 'public' places from which the development would be visible is 'private' land.

6.2.5 Consideration

With regard to the above submissions, the Panel has identified two significant areas of concern within the Jacks Point Zone, as notified:

- The Residential and Lodge Activity Areas on the tablelands and Jacks Point; and
- The Residential Activity Areas adjacent to State Highway 6.

The above areas are dealt with respectively in this decision. The Panel's consideration and decision has given particular regard to the values and resource management issues of each area, objectives and policies required to ensure that resource management issues are addressed, and methods for achieving those objectives and policies.

Proposed Development on the Tablelands

For the Purposes of the Panel's consideration and this decision, the tablelands and Jacks Point shall be deemed to include that area referred to as the tablelands and Jacks Point in Figure 11 of the Coneburn Area Resource Study.

As notified, the Jacks Point Zone allowed for large scale development to occur on the tablelands and Jacks Point as a controlled activity. Submissions to the Variation, along with the relevant Planner's Report, raised significant concerns in regard to development on the tablelands and Jacks Point, which have been categorised by the Environment Court as forming part of the Outstanding Natural Landscape – Wakatipu Basin (ONL-WB) and Visual Amenity Landscape (VAL). In response to those submissions and the Planner's Report, Jacks Point Limited presented to the Panel amendments to the Jacks Point Zone Structure Plan and Zone provisions, showing significantly less development than originally proposed (refer submissions above).

In considering submissions and proposed development related to the tablelands and Jacks Point, the Panel had regard to:

- The Resource Management Act 1991;
- The District Wide Objectives and Policies of the Proposed District Plan;
- The Environment Court's decisions as they relate to landscape categorisation (i.e. C180/99);
- The Coneburn Area Resource Study;
- The Section 32 Analysis undertaken as part of the preparation of Variation 16;
- Landscape assessment's undertaken by their staff;
- Best practice principles for development in the rural landscape;
- Evidence of the submitters; and



FIGURE 4
The Tablelands

scale 1:25,000 (A4)

11 August 2003

- Their own assessment of the site

Part 6b of the RMA requires that local authorities protect outstanding natural landscapes from inappropriate subdivision, development and use. It is the Panel's position that the tablelands and Jacks Point form part of the ONL-WB and accordingly, only subdivision and development that is subservient to and enhances the landscape will be considered appropriate.

The District Wide Objectives and Policies of the Proposed District Plan place emphasis on the protection of rural landscapes from inappropriate subdivision and development, regardless of their landscape classification. That protection extends over landscape, visual amenity and nature conservation values.

With regard to the tablelands and Jacks Point, the Panel was particularly concerned that inappropriate development could potentially compromise:

- the geological, topographical and ecological values of the area;
- the visually coherent form of the tablelands, Peninsula Hill and Jacks Point;
- the landscape and visual amenity values of the landscape surrounding the Zone;
- the integrity of the Proposed District Plan, particularly when considering the District Wide Objectives and Policies; and
- the integrity of the Zone, particularly as it relates to landscape and visual amenity values.

In response to the amended Structure Plan and Zone provisions tabled by Jacks Point Limited at the hearing, the Panel made the following comments:

Proposed Amendments / Methods	Appropriateness
Deletion of all Residential Activity Areas from the 'Category 3' lands (refer Figure 12, Coneburn Area Resource Study).	This approach is appropriate, as it ensures that there will be no development in an area visible from State Highway 6.
Introduction of the 'homesite' concept which requires all domestic curtilage activities to take place within a defined Homesite Activity Area between 2,400m ² and 2,900m ²	The Homesite Activity Area is a pre-designated area within an allotment. All built improvements, except the access driveway, underground services and wastewater disposal systems, must be located within the Homesite Activity Area. As such, the effects of residential development are contained within the Homesite Activity Area, which is considered appropriate.
A significant reduction in potential development within the Tablelands Residential Activity Areas. Essentially the relevant Structure Plan has been amended to identify 18 Homesite Activity Areas on the land owned by Jacks Point Limited.	This approach is appropriate, as it will reduce the impact of residential development on the tablelands.
Two additional site standards providing for a maximum 18 residential units as a controlled activity within the Homesite Activity Areas and requiring houses to be built within identified Homesite Activity Area.	Subject to adequate control, the identification of 18 appropriate Homesite Activity Areas (i.e. in areas that will absorb the effects of residential development) on the tablelands will assist in ensuring that development on the tablelands does not result in effects that are more than minor. Bulk, location and exterior lighting require control to ensure that any proposed development results in appropriate environmental outcomes. Each Homesite Activity Area is limited to one residential dwelling.
An additional restricted discretionary activity area for any buildings within a Tableland Residential Activity Area above that maximum number of 18 or outside a specified homesite.	Such a provision is considered inappropriate, as development in excess of 18 residential units will potentially lead to the degradation of the landscape and amenity values associated with the tablelands. It is the intention of the Panel that, other than 18 residential units, any future development on the tablelands will be avoided.
An additional zone standard which largely prevents erection of buildings within the highly	Such a rule is considered appropriate, provided that exceptions are only made in exceptional

sensitive 'Category 5' lands comprising the Lakeshore Protection Landscape Area and the Peninsula Hill Landscape Protection Area.	circumstances. Furthermore, it is considered that development on the tablelands is to be limited to those 18 Homesite Activity Areas that have been identified, and therefore, the proposed rule is appropriately applied to the entire tablelands.
That development of the proposed lodge in the Lodge Activity Areas be assessed as a restricted discretionary activity, in respect to height, external materials, colours and landscaping.	Such an approach is appropriate as it provides the Council with an opportunity to assess any proposal for a lodge, based primarily on its effects on landscape and visual amenity. Notwithstanding this, it is considered necessary to retain control over bulk, location, height and exterior lighting, in addition to those other matters identified.
Development Guidelines in a form acceptable to Council.	Provided that the requirement to comply with Council approved development controls is covenanted onto title's, such guidelines will assist in ensuring outcomes that do not have more than minor adverse effect on the environment.
Design Guidelines in a form acceptable to Council.	Provided that the requirement to comply with Council approved design guidelines is covenanted onto title's following subdivision, such guidelines will assist in ensuring outcomes that do not have more than minor adverse effect on the environment.
Best practice management principles for the development of a golf course that minimises mown areas of fairway and green and maximises retention of natural character and landscape	Such an approach to golf course development will assist in ensuring that the environmental impacts of the proposed golf course are minimal, and will also assist with the provision of activities that provide for social and cultural wellbeing of the local community and visitors.

In addition to those matters that have been appropriately addressed by the Jacks Point Limited, the Panel considered it appropriate to require the following amendments to address the concerns raised by submitters:

Amendments	Reasons for Amendments
Insert a policy that seeks to ensure subdivision and development on the tablelands and Jacks Point is subservient to the landscape and does not compromise visual amenity values.	Adequate policy is required in the Proposed District Plan to ensure that the intentions of Zone are realised and to provide guidance to Plan users.
Add a discretionary rule to the provisions for the Jacks Point Zone, preventing the planting of exotic vegetation on the tablelands and Jacks Point.	The tablelands and Jacks Point are a sensitive environment. Exotic vegetation has the potential to compromise the landscape, visual amenity and ecological values. The requirement to plant with native species will assist in ensuring environmental gains are associated with development.
Add a rule to the provisions for the Jacks Point Zone, requiring a discretionary consent application to be submitted if and when the proposed building footprint within a Homesite Activity Area is greater than 1000m ² .	It is the Panel's consideration that if and when the building footprint within a Homesite Activity Area becomes greater than 1000m ² , proposed development on the site is needs to be assessed to ensure that the potential adverse effects on landscape and visual amenity values are no more than minor. In essence, the Panel considered that mitigation measures are likely to become more artificial as building footprints becomes larger. It is the Panel's decision that the emphasis needs to remain on the building being subservient to the landscape.
Add a rule to the provisions for the Jacks Point Zone, requiring a discretionary consent application to be submitted for any swimming pool located on the tablelands or Jacks Point (excluding spa pools within a Homesite Activity Area less than 9m ² in surface area).	It is considered that swimming pools on the tablelands and Jacks Point have the potential to have an adverse effect on landscape and visual amenity values. However, appropriate regard for earthworks, landscaping (as a mitigation measure), colour and fencing may result in a

	proposal that is unlikely to result in more than minor effects on the environment.
Add a rule to the provisions for the Jacks Point Zone, requiring a non-complying consent application to be submitted for any tennis court located on the tablelands and Jacks Point.	It is considered that tennis courts have significant potential to detract from the landscape and visual amenity values associated with the tablelands and Jacks Point, and that they are better provided for in other areas, eg the central valley.
Insert a site standard requiring that: Prior to the development of any Homesite Activity Area, a minimum 3000m ² of land is to be revegetated with appropriate native species. Revegetation may occur on the same allotment as the Homesite Activity Area or, subject to Council approval, within another area.	Each Homesite Activity Area is located in a sensitive landscape and development has the potential to result in environmental losses. The requirement to revegetate at least 3000m ² will assist in ensuring that development results in a net environmental gain.
For the tablelands and Jacks Point, insert a site standard requiring that no fences or walls be built to demarcate property boundaries, except where it is necessary to manage stock. Permissible fences may only be constructed of post and wire.	The site standard will assist in ensuring development does not dominate the landform and that the landscape and visual amenity values of the site are not compromised.
Insert a zone standard relating to building heights within the Homesite Activity Areas, whereby the maximum height of any buildings or structures within a Homesite Activity Area may not be greater than 5m above a specific datum for that particular Activity Area.	Each Homesite Activity Area has been specifically chosen due to its ability to absorb change. The maximum height from datum reflects the fact that each site is different, and that some will require excavation to achieve appropriate outcomes.
Insert a zone standard preventing the temporary and permanent storage of vehicles and similar objects, containers and similar objects, and construction related materials, on the tablelands and Jacks Point, not within a Homesite or Lodge Activity Area.	In making their decision, the Panel was conscious of the adverse effect that the temporary and permanent storage of objects on the tablelands could have on visual amenity. The Panel considered it inappropriate to allow such activities on the tablelands, particularly taking into account the emphasis on retaining and enhancing the naturalness of that area.
Insert assessment matters as guidance to Plan users as to what the relevant rules for the tablelands and Jacks Point intend to achieve.	Such assessment matters are necessary to ensure appropriate administration of the Plan provisions is achieved.
On the Jacks Point Structure Plan, as notified, remove the four smaller Lodge Activity Areas located closest to the Zone boundary (refer Figure 5 below).	It is the Panel's consideration that it is inappropriate and unnecessary to provide for lodge development enabled by the Variation as notified, for the following reasons: 1. The Lodge Activity Areas highlighted in Figure 5 are moderately visible from Lake Wakatipu – development in these areas has the potential to detract from landscape and visual amenity values. 2. The remaining Lodge Activity Areas, which are of low visibility from Lake Wakatipu, provide adequate and potentially appropriate areas for lodge development.

With regard to the above consideration, and in summary, it is the Panel's decision that the tablelands and Jacks Point can absorb a limited amount of development provided that it is subservient to the landscape in all respects. 18 'homesites' (Homesite Activity Areas), each providing for one residential unit, have been designated on the Jacks Point Structure Plan. Subdivision remains a controlled activity. The construction of any buildings within a Homesite Activity Area in accordance with the site and zone standards is a controlled activity, and the construction of a lodge, in accordance with the site and zone standards, is a restricted discretionary activity.

The provisions as they relate to buildings on the tablelands and Jacks Point are prescriptive (down to the type of materials to be used) and provide the Council with control over a range of matters, thus ensuring that any proposed development will not dominate over the landscape.

To ensure that any development on the tablelands and Jacks Point results in a net environmental gain, a significant amount of native revegetation is required prior to the

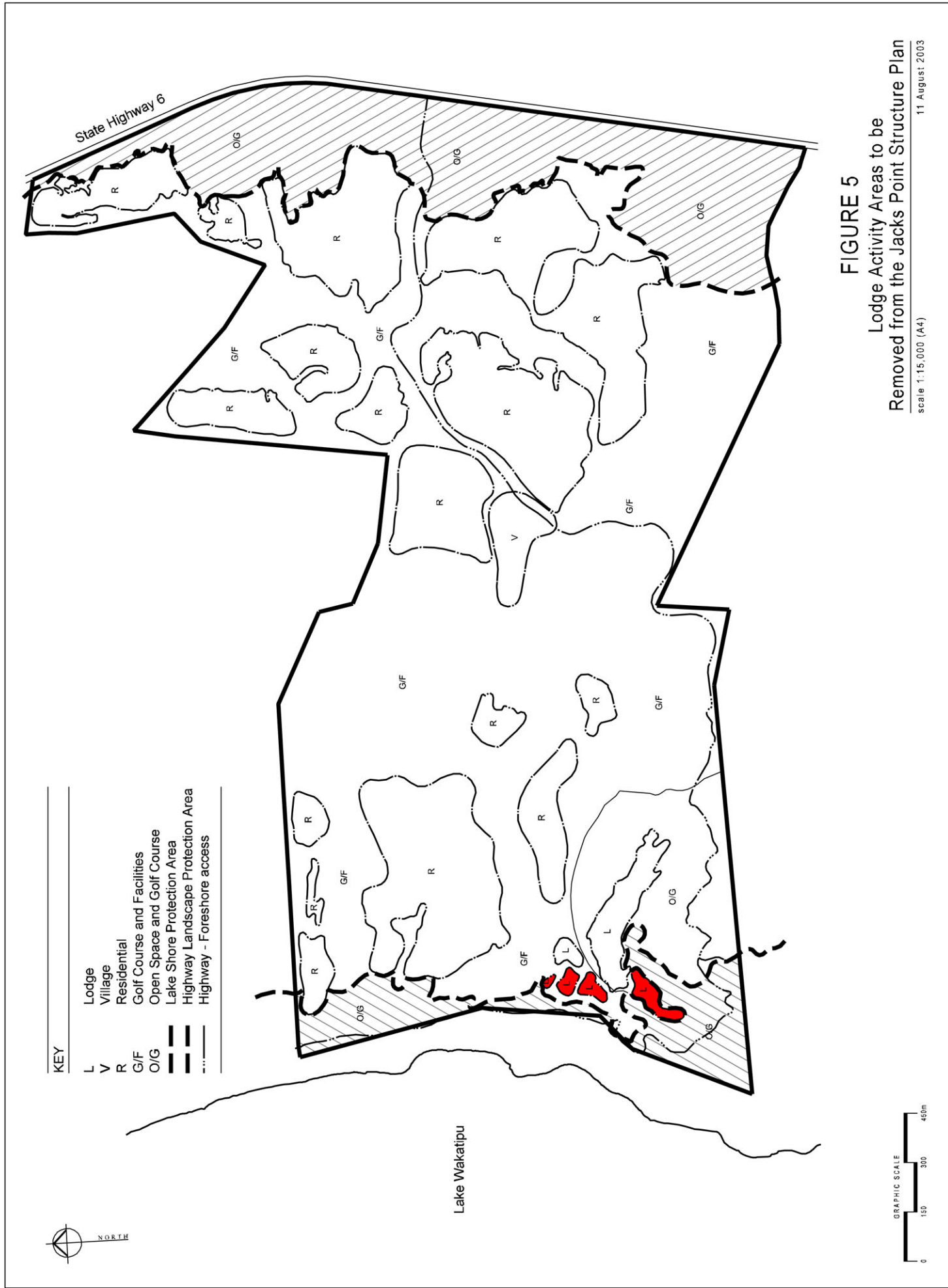


FIGURE 5
 Lodge Activity Areas to be
 Removed from the Jacks Point Structure Plan
 scale 1:15,000 (A4)
 11 August 2003

construction of any building. Any additional vegetation must be native in species (except for endemic grasses).

Controls over the pools and tennis courts and the storage of vehicles and materials on the tablelands and Jacks Point will assist in ensuring that activities associated with development do not result in the degradation of landscape and visual amenity values.

The introduction of new policies provides Plan users with an understanding of the broad steps that the Council sees necessary to achieve the objective for the Zone. The introduction of assessment matters, deriving from the rules relating to buildings on the tablelands and Jacks Point, provides Plan users with guidance to achieve sound resource management within the Zone.

To ensure that the desired outcomes are realised, the Council has also adopted an 'other method', namely the Stakeholders Deed, which ensures that the following issues are addressed prior to any development occurring:

- Development Controls;
- Design guidelines;
- Infrastructure;
- Open space management; and
- Golf course development and management.

The development controls for the Jacks Point Zone and the design guidelines for development on the tablelands and Jacks Point are attached to this decision as part of the Stakeholders Deed (refer Appendix 4). It is considered that, together with the Proposed District Plan provisions, the development controls and design guidelines will ensure that development on the tablelands will not result in adverse effects that are more than minor.

To assist in the administration of the District Plan provisions, the Jacks Point Structure Plan has also been amended to specify the area referred to in this decision as the tablelands and Jacks Point.

Proposed Development within the Residential Activity Areas

With regard to those proposed Residential Activity Areas which are located adjacent to State Highway 6 (refer Figure 6), the Panel had the following concerns:

- Inappropriate subdivision and development could potentially be highly visible from State Highway 6, and as such, could result in adverse effects on the visual amenity and landscape values of the State Highway corridor;
- Inappropriate subdivision and development could potentially detract from the visual amenity and landscape values of the Jacks Point Zone, particular as they relate to the tablelands and Jacks Point.
- Inappropriate subdivision and development could potentially compromise the important views of the landscape beyond the Jacks Point Zone, and in particular, views of Cecil Peak, the Bayonet Peaks and other important landscapes.

The Panels concerns were highlighted by the landscape assessment (entitled Landscape Assessment Jacks Point Resort Zone and dated 22 August 2001) carried out as part of the Section 32 analysis prior to the notification of Variation 16. Figure 12 of that assessment illustrates the visibility of areas within the Zone from SH6, without any form of mitigation. Figure 14 of that assessment illustrates the visibility of areas within the Zone from State Highway 6, using planting as a potential mitigation measure. The effect of the mitigation planting shown on Figure 14 is that it provides greater scope for development to occur without being visible from the State Highway.

The Panel considered various options to ensure that development within Residential Activity Areas does not adversely effect visual amenity and landscape values, including:

- Height rules to ensure buildings are not highly visible;

Appendix F



KEY:
 Sites with built houses or DRB approval to build

V:\JP_Jacks Point\15_NZONE submission\15_GEN_001 Approved Housing NZONE.dwg



DARBY PARTNERS
 Level 1, Steamer Wharf, Lower Beach Street
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SCALE 1:3,000 @ A1, 1:6,000 @ A3
 DESIGNED DRAWN: RT
 APPROVED: SM
 DATE: 09.05.13

NOTES:
 Disclaimer
 Every preparation has been taken to establish the accuracy of the information set out here. The preparer does not warrant, either explicitly or implicitly, the accuracy of the information set out here and should make their own independent enquiries to verify the accuracy of all relevant information before relying on it. The preparer shall not be liable for any loss or damage, including consequential loss or damage, arising from the use of the information set out here, in whole or in part, or from any reliance on it.



DRB Approved Housing Masterplan
 (Relative to NZONE Site)



QUEENSTOWN | NEW ZEALAND
 www.jackspoint.com

DRAWING NO: JP_15_GEN_001

Appendix G

HENLEY DOWNS ZONE

12

12.30 Henley Downs Zone

The purpose of the Henley Downs Zone is to enable a settlement to establish which incorporates high standards of environmental management and urban design, while providing for the enjoyment of the spectacular landscape in and around the zone. The settlement is to integrate within the wider Wakatipu settlement pattern, functioning in a complementary manner to the neighbouring Jacks Point settlement.

For the purposes of this Plan, the term %Greater Jacks Point+ is used in particular instances to describe the area that incorporates both the Henley Downs Zone and Resort (Jacks Point and Homestead Bay) Zone.

12.30.1 Objectives and Policies

Objective 1: The Henley Downs Settlement

Development in Henley Downs contributes toward the success of Greater Jacks Point, integrating with the landscape, character and settlement pattern of the surrounding area.

Policies

- 1.1. *The Henley Downs Structure Plan is adhered to in order for:*
- (i) *development to be located within an appropriately defined urban area;*
 - (ii) *maximum residential densities to not be exceeded in different parts of the site;*
 - (iii) *important road connections to be made through, to and from the site;*
 - (iv) *Areas of Biodiversity Value to be identified and appropriately managed.*

- 1.2. *Development is not highly visible from State Highway 6 and Lake Wakatipu.*
- 1.3. *In Development Areas A, H, I, and K the density of development, its location and landscaping is managed so as to avoid or reduce the visibility of development from State Highway 6.*
- 1.4. *Development in Henley Downs integrates with Greater Jacks Point to create a visually coherent built form.*
- 1.5. *Landscape planting is in keeping with the natural or cultural history of the area.*

Objective 2: Urban Activity Area

The Henley Downs Urban Activity Area develops with a predominantly residential character, incorporating a range of residential densities and compatible non-residential activities in an efficient, safe, healthy, vibrant and attractive urban setting.

Policies

- 2.1 *The lodgement and approval of an Outline Development Plan is required prior to subdivision and development occurring within the Development Areas of the Urban Activity Area, so as to ensure that Henley Downs benefits from a comprehensive and integrated approach to planning.*
- 2.2 *Development in the Urban Activity Area is consistent with an approved Outline Development Plan.*

HENLEY DOWNS ZONE

12

- 2.3 Residential activities are enabled in Development Areas A to K, as shown on the Henley Downs Structure Plan up to the prescribed maximum number of residential units.
- 2.4 Visitor accommodation, retirement villages, commercial activities and community activities are enabled where residential amenity will not be undermined.
- 2.5 Specific and spatially defined Medium Density Housing Precincts and Commercial and Community Precincts are identified (as needed) through the Outline Development Plan process.
- 2.6 Small lot residential, multi-unit residential and visitor accommodation development are encouraged to co-locate within Medium Density Housing Precincts where design controls aimed at promoting high standards of medium and high density development apply.
- 2.7 Commercial and community activities are encouraged to co-locate within a Commercial and Community Precinct(s) within which there shall be a greater tolerance of adverse effects on amenity than the rest of the Henley Downs Zone.
- 2.8 Effects arising from the proximity of residential buildings, including shadowing and loss of privacy, are minimised through the use of controls on built form or through applying site specific solutions.
- 2.9 High standards of urban and individual building design are promoted, particularly for medium and high density residential development and buildings for non-residential activities.
- 2.10 Hours of operation of non-residential activities do not compromise residential amenity values, social wellbeing, residential cohesion and privacy.

2.11 Noise emissions associated with non-residential activities are within limits that maintain amenity values.

2.12 The urban structure (including road layout, cycle and walking networks, landuse densities, and block sizes) is well-connected and specifically designed to:

- (i) Reduce travel distances through well-connected streets
- (ii) Provide a logical and legible street layout
- (iii) Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and local facilities and amenities
- (iv) Enable public transport to efficiently service Greater Jacks Point, now or in the future.

2.13 Roads, carriageways and walkways are designed and sized to:

- (i) encourage walking, cycling and (where relevant and practical) public transport use through being safe and pleasant to use for those purposes
- (ii) accommodate the likely nature and scale of future use, including existing or proposed public transport routes
- (iii) contribute to amenity and safety
- (iv) accommodate on-street car parking where needed
- (v) integrate with the character of Greater Jacks Point.

HENLEY DOWNS ZONE

12

- 2.14 *In areas of lower density housing, in so far as is practical, the number of rear sites that do not front the street is minimised.*
- 2.15 *Rear sites in areas of medium and high density housing are avoided where possible, with houses fronting the street.*
- 2.16 *Subdivision, built form and landscaping outcomes are managed so as to encourage passive surveillance of streets and open spaces.*
- 2.17 *Subdivision, landscaping, building and street designs, where practical, enable passive solar heating.*
- 2.18 *Built forms conducive to affordable housing are enabled, including through:*
- (i) a range of lot sizes and housing typologies*
 - (ii) applying plan provisions in a manner that does not preclude the use of innovative and cost effective building materials and techniques*
 - (iii) providing for cost effective development*
- 2.19 *Existing watercourses in Henley Downs are used, enhanced and interconnected for the purposes of stormwater management and opportunities for stormwater paths to provide corridors of biodiversity value and public amenity are realised*

Objective 3: The Agriculture, Conservation and Recreation Activity Area

The Agriculture, Conservation and Recreation Activity Area supports and contains the Henley Downs urban area, maintaining and enhancing the landscape, recreational and natural values that surround it.

Queenstown-Lakes District Council – DISTRICT PLAN Proposed as part of Plan Change 44

Policies

- 3.1 *Use of the Agriculture, Conservation and Recreation Activity Area is enabled where there is minimal adverse effects on landscape, recreational and natural values.*
- 3.2 *Infrastructure and associated servicing in the Agriculture, Conservation and Recreation Activity Area that is necessary to support Greater Jacks Point is enabled.*
- 3.3 *The biodiversity values of the Agriculture, Conservation and Recreation Activity Area are protected and enhanced.*
- 3.4 *Valuable natural vegetation and habitat in the Agriculture, Recreation and Conservation Activity Area, including grey shrublands, wetlands and the ecological links between them and the lakeshore escarpment, is protected and encouraged to re-establish.*
- 3.5 *Buildings in the Agriculture, Conservation and Recreation Activity Area are limited to those that:*
- (i) support agriculture, conservation or recreation; and/or*
 - (ii) provide infrastructure or servicing for Greater Jacks Point; and/or*
 - (iii) do not undermine the values set out in policies 3.1 to 3.4 above.*

HENLEY DOWNS ZONE

12.31 Henley Downs Zone Rules

12.30.1 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- (i) Heritage Protection - Refer Part 13
- (ii) Transport - Refer Part 14
- (iii) Subdivision, Development and Financial Contributions - Refer Part 15
- (iv) Hazardous Substances - Refer Part 16
- (v) Utilities - Refer Part 17
- (vi) Signs - Refer Part 18
- (vii) Relocated Buildings and Temporary Activities - Refer Part 19

12.30.2 Activities

12.30.2.1 Permitted Activities

Any Activity which complies with all the relevant Site and Zone Standards and is not listed as a Restricted Discretionary, Discretionary, Non-Complying or Prohibited Activity, shall be a Permitted Activity.

12.30.2.2 Restricted Discretionary Activities

The following shall be Restricted Discretionary Activities provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activity and they comply with all the relevant Site and Zone Standards. The matters in respect of which the Council has limited its discretion are listed with each Restricted Discretionary Activity.

(i) Outline Development Plans

An outline development plan with the exercise of Council's discretion limited to:

- a. the **comprehensiveness** of the outline development plan; and
- b. **Indicative subdivision design**, lot configuration and allotment sizes; and
- c. The locations of **building platforms** in Development Areas A, H, I and K; and
- d. **Roading** pattern, proposed road and street designs; and
- e. the appropriateness of **proposed activities** and their locations, including the locations of activities that may give rise to reverse sensitivity effects, the appropriateness of those effects occurring in the proposed location and any mitigation measures proposed; and
- f. The location of **Medium Density Housing Precincts and Commercial and Community Precincts**; and
- g. measures to address **natural hazard risks**; and
- h. the location of and suitability of proposed **open space areas, public transport links, pedestrian and cycle links**; and
- i. **Mitigation measures to ensure development is not highly visible** when viewed from State Highway 6 and Lake Wakatipu; and
- j. The proposed **treatment of the interface between the urban and rural area**; and
- k. With regards to Development Area J, a **biodiversity management and restoration plan** for the wetland shown on the Henley Downs Structure Plan; and
- l. Evidence that development can be appropriately serviced with **water, stormwater, and wastewater infrastructure**
- m. Compliance with the National Environmental Standard for Assessing and Managing **Contaminants in Soil** to Protect Human Health

(ii) Residential Buildings

The addition, alteration or construction of **buildings with more than three residential units**, with the exercise of Council's discretion limited to:

HENLEY DOWNS ZONE

12

- a. the location, external appearance and design of buildings; and
- b. infrastructure and servicing; and
- c. associated earthworks and landscaping; and
- d. access.

(iii) Non-Residential Activities

Commercial activities, community activities and visitor accommodation, including the addition, alteration or construction of associated buildings, in a location approved as part of an Outline Development Plan, with the exercise of Council's discretion limited to:

- a. The location, external appearance and design of buildings; and
- b. infrastructure and servicing; and
- c. associated earthworks and landscaping; and
- d. access; and
- e. the amount of vehicle parking, its location and layout; and
- f. location of buildings on the site; and
- g. hours of operation.

(iv) Sale of liquor

Premises licensed for the sale of liquor (including both off-licenses and on-licenses), with the exercise of Council's discretion limited to:

- a. the location; and
- b. the scale of the activity; and
- c. retention of amenity; and
- d. noise; and
- e. hours of operation.

- (v) Any Activity which is not listed as a Non-Complying Activity or Prohibited Activity and which complies with all the Zone Standards but does not comply with one or more of the Site Standards shall be a Restricted Discretionary Activity with the exercise of the Council's

discretion being confined to the matter(s) specified in the standard(s) not complied with.

12.30.2.3 Discretionary Activities

The following shall be Discretionary Activities provided they are not listed as Non-Complying Activities or Prohibited Activities and they comply with all the relevant Zone Standards.

(i) Airports

Airports, limited to helicopter landing and take-off areas.

(ii) Mining

The mining of rock, aggregate or gravel for use within Greater Jacks Point.

(iii) Forestry Activities

Forestry Activities, aside from the harvesting of forest.

(v) Service Activities

(vi) Buildings

- a. Buildings located outside of an approved building platform in Development Areas A, H, I and K; and
- b. Buildings located in the Agriculture, Conservation and Recreation Activity Area.

(vii) Activities inconsistent with an Outline Development Plan

Any activity inconsistent with an approved Outline Development Plan.

(viii) Outline Development Plan which proposes a Discretionary Activity

Any Outline Development Plan which proposes a Discretionary Activity.

HENLEY DOWNS ZONE

12.30.2.4 Non-Complying Activities

The following shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

- (i) **Industrial activities**
- (ii) **Airports**

Airports, aside from Helicopter Landing and Take-off Areas and the use of land and water for emergency landings, rescues and fire fighting.

- (iii) **Factory farming**
- (iv) Any activity which does not comply with one or more of the relevant **Zone Standards**.
- (v) **Outline Development Plan which proposes a Non-complying Activity**

Any Outline Development Plan which proposes a Non-Complying Activity.

12.30.2.5 Prohibited Activities

The following shall be **Prohibited Activities**:

- (i) Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade License under the Health Act 1956.
- (ii) Planting the following trees:
 - Pinus radiata
 - Pinus muriata
 - Pinus contorta
 - Pinus ponderosa

- Pinus sylvestris
- Pinus nigra
- Douglas Fir

- (iii) **Outline Development Plan which proposes a Prohibited Activity**

Any Outline Development Plan which proposes a Prohibited Activity.

12.30.3 Non-notification of Applications

Except as provided for by the Act, all applications for restricted discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected person; except that in applications for the exercise of the Council's discretion in respect of failure to comply with the following Site Standard 12.30.4.1(vi) Internal setbacks notice may be served on those persons considered to be adversely affected if those persons have not given their written approval.

12.30.4 Standards

12.30.4.1 Site Standards

- (i) **Size of Outline Development Plans**

Outline Development Plans shall cover at least one entire Development Area as identified in the Structure Plan.

- (ii) **Nature and Scale of Activities**

The maximum net floor area for any retail activity shall be 200m².

- (iii) **Earthworks**

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

HENLEY DOWNS ZONE

12

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

1. Volume of Earthworks

- (a) The total volume of earthworks does not exceed 100m³ per site (within a 12 month period). For clarification of volume, see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200m² in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
 - (i) expose any groundwater aquifer;
 - (ii) cause artificial drainage of any groundwater aquifer;
 - (iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe from the site boundary (See interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height or any fill shall not exceed 2 metres.

3. Environmental Protection Measures

- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations
- (b) Any person carrying out earthworks shall:
 - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
 - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and sites of cultural heritage

- (a) The activity shall not modify, damage, or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
- (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.
- (c) The Accidental Discovery Protocol, as outlined in Appendix 6 of the Ngai tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 shall be complied with.

(iv) Protection of indigenous vegetation

HENLEY DOWNS ZONE

12

In the Areas of Biodiversity Value as identified on the Structure Plan:

- (a) no clearance of indigenous vegetation shall exceed 100m² in area in any one hectare in any continuous period of 5 years
- (b) there shall be no exotic tree or shrub planting
- (c) no buildings shall be constructed, aside from those identified in an approved Outline Development Plan
- (v) **Building height**

Building height for buildings located in a Commercial and Community Precinct or Medium Density Housing Precinct identified in an approved outline development plan the maximum height for buildings shall not exceed 10m.

(vi) **Setbacks from internal boundaries**

- a. In all areas aside from Commercial and Community Precincts and Medium Density Housing Precincts identified as part of an approved Outline Development Plan, **except** as provided for below, the minimum setback for buildings from internal boundaries for any building shall be:

Front Site:

- o One setback of 4.5m and all other setbacks 2m.

Rear Sites:

- o Two setbacks of 4.5m and all remaining setbacks to be 2m.

except that:

- (i) Accessory buildings for residential activities other than those used for the housing of animals may be located within the

setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.

- (ii) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of buildings may be located within the minimum building setback as follows:
 - a. eaves up to 0.6m into the setback; and
 - b. balconies and bay or box windows of less than 3m in length may project into the setback by up to 0.6m. Only one such balcony or bay or box window, intrusion is permitted on each setback of each building; and
 - c. porches and steps up to 0.6m into a setback; provided they measure no more than 2m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
 - d. chimneys may project into the setback by up to 0.6m provided that the chimney measures no more than 1.2m parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building; and
 - e. no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.
- (iii) No setback is required from an internal boundary where buildings share a common wall on that boundary.

- b. In Medium Density Housing Precincts identified as part of an approved Outline Development Plan, **except** as provided for below, the minimum setback for buildings from internal boundaries for any building shall be 1.5 meters.

HENLEY DOWNS ZONE

12

Except that

- (i) Eaves may be located up to 0.6m into the minimum setback
- (ii) No setback is required from an internal boundary where buildings share a common wall on that boundary.

(vii) **Outdoor living space**

- a. The minimum provision of outdoor living space for each residential unit and residential flat at the ground floor level contained within the net area of the site shall be:
 - (i) in Medium Density Housing Precincts and Commercial and Community Precincts identified in an approved Outline Development Plan, 20m² contained in one area with a minimum dimension of 3m;
 - (ii) in all other areas 36m² contained in one area with a minimum dimension of 4.5m.
- b. The minimum provision of outdoor living space for each residential unit and residential flat above ground floor level shall be 8m² contained in one area with a minimum dimension of 2m.
- c. The outdoor living space shall be readily accessible from a living area.
- d. No outdoor living space shall be occupied by:
 - (i) any building, other than an outdoor swimming pool or accessory building of less than 8m² gross floor area; or
 - (ii) a driveway or parking space
 - (iii) areas to be used for the storage of waste and recycling.

(viii) **Continuous building length for residential buildings**

Where the aggregate length along one elevation of residential buildings measured parallel to any internal boundary or internal boundaries exceeds 16m; either:

- a. The entire building(s) shall be set back an additional 0.5m for every 6m of additional length or part thereof from the minimum internal setback (continuous façades) at the same distances from the boundary; or
- b. That part of the building(s) which exceeds the maximum building length shall be progressively set back 0.5m for every 6m of additional length or part thereof from the minimum yard internal setback (varied façade(s) with stepped setbacks from the boundary).

Refer Appendix 4

(ix) **Garages**

In Development Areas B, D, E and F garages and carports must be setback at least level to the front façade (i.e. the façade facing the street) of the residential unit.

(x) **Fences**

Fences located within a setback from roads shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.

(xi) **Building and fence colours**

External building and fencing materials shall:

HENLEY DOWNS ZONE

12

- a. be coated in colours which have a reflectance value of between 0 and 35%; or
- b. consist of natural wood, stone, concrete or copper;

except that:

- c. architectural features including doors and window frames may be any colour; and
- d. roof colours shall have a reflectance value of between 0 and 20%.

12.30.4.2 Zone standards

(i) **Noise:**

- a. In all areas aside from Commercial and Community Precincts identified in an approved outline development plan:
 - (i) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this Zone:
 - daytime (0800 to 2000 hrs) 50 dB $L_{Aeq(15\ min)}$
 - night-time (2000 to 0800 hrs) 40 dB $L_{Aeq(15\ min)}$
 - night-time (2000 to 0800 hrs) 70 dB L_{AFmax}
- b. In Commercial and Community Precincts identified in an approved outline development plan:
 - (i) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in a Commercial and Community Precinct:

- daytime (0800 to 2200 hrs) 60 dB $L_{Aeq(15\ min)}$
- night-time (2200 to 0800 hrs) 50 dB $L_{Aeq(15\ min)}$
- night-time (2200 to 0800 hrs) 70 dB L_{AFmax}

- (ii) Sound received from non-residential activities in Commercial and Community Precincts identified in an approved outline development plan shall comply with the noise limits set in the zone standards for other parts of the Henley Downs Zone
- (iii) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (iv) The noise limits in (a) and (b) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (v) The noise limits in (a) and (b) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998.

For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

- (vi) The noise limits in (a) and (b) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.
- (ii) **Lighting and Glare**

HENLEY DOWNS ZONE

12

Any activity that does not comply with the following standards:

- a. All fixed exterior lighting shall be directed away from adjacent sites and roads; and
- b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.
- c. There should be no upward light spill

(iii) **Building Height**

In all areas aside from Medium Density Housing Precincts and Commercial and Community Precincts identified as part of an approved Outline Development Plan, **except** as provided for below, the maximum height for buildings shall be:

- a. Flat sites where any elevation indicates a ground slope of equal or less than 6 degrees (i.e. equal to or less than 1 in 9.5):

The maximum height for buildings shall be 8.0m, and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point on the site boundary:

Except that gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m² with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.

- b. Sloping sites where any elevation indicates a ground slope of equal or less than 6 degrees (i.e. equal to or less than 1 in 9.5):

The maximum height for buildings shall be 7.0m:

Except that no part of any accessory building located within the setback from internal boundaries shall protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.

- c. For the purposes of applying a. and b., ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

(iv) **Access**

Each unit shall have legal access to a formed road.

(v) **More than one residential unit on a site**

There shall be no more than one residential unit on a site unless the site is identified for this purpose as part of an approved Outline Development Plan.

(vi) **Setbacks from roads**

- a. Except in Commercial and Community Medium Density Housing Precincts identified as part of an approved Outline Development Plan, buildings shall be set back at least 4.5 m from a road boundary.
- b. In Medium Density Housing Precincts, buildings shall be set back at least 3 m from a road boundary.

(vii) **Rear sites**

HENLEY DOWNS ZONE

No rear sites shall be created in Commercial and Community Precincts and Medium Density Housing Precincts unless as part of a retirement village or visitor accommodation complex.

(vii) **Size of building platforms**

No building platforms shall be smaller than 70m² or greater than 1000m².

(viii) **Residential density**

The maximum number of residential units in a Development Area (as shown on the Henley Downs Structure Plan) shall be as follows:

Development Area	Maximum Number of Residential Units
A	4
B	85
C	255
D	325
E	450
F	540
G	800
H	1
I	7
J	100
K	4

(ix) **Residential units in approved building platforms**

No more than one residential unit shall be constructed within an approved building platform.

12.30.5 Resource Consent Assessment Matters

12.30.5.1 Restricted discretionary activities

(i) **Outline development plan:**

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

In regard to the **comprehensiveness of the outline development plan:**

- (a) An Outline Development Plan must include sufficient information to enable all matters of discretion to be adequately assessed. At a minimum an Outline Development Plan would normally be expected to include:
 - a. A plan showing:
 - i. an indicative subdivision layout
 - ii. an indicative street network
 - iii. locations of Medium Density Housing precincts which are anticipated to consist of lots smaller than 400m² or lots intended to accommodate buildings with more than three residential units
 - iv. Locations of sites anticipated to accommodate more than one residential unit, with information on the maximum number of residential units those sites shall accommodate
 - v. Locations of :
 - 1. Residential activities
 - 2. Commercial activities
 - 3. Schools and other large scale education facilities,
 - 4. Other community activities,
 - 5. Visitor accommodation
 - 6. Retirement villages

HENLEY DOWNS ZONE

12

- Note - in some instances an area may be identified as suitable for a range of uses such as both residential and visitor accommodation.
- vi. Indicative building footprints for non-residential activities and residential buildings of three or more units
 - vii. building platforms in Development Areas A, H, I and K
 - viii. the location(s) of any proposed Commercial and Community Precinct(s)
 - ix. the proposed walking, cycling and public transport network
 - x. locations of proposed parks and other public open spaces
 - xi. the location of proposed landscaping, including for the mitigation of visibility from State Highway 6
 - xii. the location of any area in which development is not anticipated to occur until sufficient landscaping has been established or secured
 - xiii. Locations of any proposed public car parking
 - xiv. Locations of any utilities proposed that may need consent under Section 17 of the Plan
- b. details on the type of mitigation proposed to manage reverse sensitivity issues and to reduce visibility of development (including, where relevant, the types of species to be planted)
 - c. an explanation on how the edge of the urban area is proposed to be treated
 - d. Road design cross sections and information as to which roads the different road designs shall apply
 - e. An indicative stormwater management plan
 - f. If the Outline Development Plan proposes development within Development Area J, a biodiversity management and restoration plan for the wetland in that area.

In regard to **indicative subdivision design**:

- (a) Whether the street blocks are designed to be walkable. The following can be used as a guide for the Development Areas B, C, D, E, F and H:
 - a. Outside of Commercial and Community Precincts and Medium Density Housing Precincts, where practical block sizes larger than 1.5 ha and block lengths (between intersections, not including rear service lanes) longer than 200m should be avoided.
 - b. In Commercial and Community Precincts and Medium Density Housing Precincts where practical:
 - i. block areas exceeding 0.8 hectares should be avoided.
 - ii. block lengths longer than 100m should be avoided unless they front roads which are designed to move substantial amounts of traffic from the Greater Jacks Point area.
- (b) Whether the subdivision layout, in so far as is practical, minimises the numbers of rear sites. Circumstances where rear sites may prove appropriate include where:
 - a. due to terrain or site constraints, providing road frontage would be impractical or prohibitively expensive
 - b. adverse effects relating to rear sites such as loss of privacy and excessive driveways fronting streets are likely to be minimal. Reasons for this being the case may be due to the presence of large lot sizes, site specific design controls or frontages on to open space that mean that houses on rear sites would be expected to face away from those that front the street;
 - c. alternative layouts may result in alternative street layouts that would result in a worse outcome in terms of residential amenity, connectivity/ walk-ability, and safety.
- (c) Whether the lot sizes and dimensions will realistically enable built forms that meet all zone standards. For small or unusually shaped

HENLEY DOWNS ZONE

12

sites, indicative building footprints may be necessary to aid in the consideration of this assessment matter.

- (d) Whether the street and lot configuration is likely to encourage building designs with visual connections from habitable rooms to the street. In so far as practical, on flat and gently sloping sites, subdivision designs should avoid large numbers of north facing residential lots which may incentivise houses to be set well back from the street with private, enclosed outdoor space toward the front of the building.
- (e) Whether the street and lot configuration is likely to encourage house orientations that maximise solar gain. North-south street orientations are encouraged to support such a lot configuration.
- (f) Whether proposed open spaces and walkways are likely to feel safe, including through benefiting from passive surveillance from surrounding uses. Subdivision designs should normally avoid lots directly adjoining open spaces without a road or accessway providing separation, unless:
 - a. there is not considered to be an incentive for lot owners to seek to reduce the visibility of their property from the open space such as when an approved rear lot fronts an open space; or
 - b. the open space is intended for farming rather than public use and appropriate edge treatment is to be put in place, or other reasons mean that the open space is unlikely to be frequented by the public
- (g) Whether for any proposed Commercial and Community Precinct (aside from those precincts design to provide for larger scale community activities such as education and health facilities), the lot alignment and indicative building footprints would be expected to create a place which:
 - a. Is orientated around a mainstreet which accommodates through traffic
 - b. is attractive and pedestrian-focused
 - c. enables buildings with active street frontages
 - d. minimises unattractive and unsafe outcomes resulting from the servicing of buildings and vehicle parking. If possible, servicing of buildings should be achievable from the rear of buildings without service lanes connecting to the main street.
- (h) Whether the steep slopes of the gully to the east of Activity Area C are proposed to be free of development.
- (i) Whether a range of housing choice may be promoted through some diversity in section sizes.

Note . Compliance with Zone Standard 12.30.4.2 (viii) Residential Density should be assessed as part of an Outline Development Plan.

In regard to **locations of building platforms**:

- (a) The extent to which building platforms in Development Areas A, H, I and K are located such that resultant buildings and associated earthworks, access and landscaping will avoid breaking the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (b) Whether, through the location of building platforms and associated mitigation, present levels of privacy and rural amenity will be maintained in Development Area A, with resultant buildings not being highly visible from State Highway 6 or visible from existing private residences in Development Area A.
- (c) Whether, through the location of building platforms and associated mitigation, the visual pattern of Development Area I, when viewed of from State Highway 6 will be dominated by green space and vegetation with parts of buildings being a minor part of that view.

HENLEY DOWNS ZONE

12

- (d) Whether, through the location of building platforms and associated mitigation, the resultant building(s) in Development Area H will not be visible when viewed from State Highway 6.
- (e) Whether building platforms and associated mitigation in Development Area K will be effective in reducing the visibility of development when viewed from existing homesites and places frequented by the public outside of the Henley Downs Zone.
- (f) Whether any particular control on development is required for a building platform in order to minimise the visibility of development, such as a limit on height.

In regard to **roading**:

- (a) The extent to which a grid design with vehicle or pedestrian connections, particularly within Development Areas B, D, E, F and G is utilised to promote connectivity, and to avoid a conventional suburban design with unnecessarily meandering road forms. Curved roads that respond positively to landforms and topography are acceptable, provided these are well-connected.
- (b) Whether the roading pattern realises opportunities to connect streets. Where practical, cal-de-sacs, except those that are short (no more than 75m) and straight, should be avoided. Instances where avoiding cal-de-sacs that are not short and straight may prove impractical may include where:
 - a. terrain or site constraints limit options that are pragmatic or affordable (through leading to expensive roading costs or a significant reduction in development yield for part of the site)
 - b. activity area boundaries necessitate cal-de-sacs that are not short or straight in order to access lots
- (c) Whether and when a through road from the Jacks Point Village to the State Highway 6 intersection with Woolshed Road is to be provided. The road should provide a logical and direct route to and

from the State Highway for a significant proportion of the Greater Jacks Point and Henley Downs community and follow approximately the route shown on the Structure Plan. It is anticipated that the road would be in operation prior to congestion problems arising at the Maori Jack Road entrance/exit to Greater Jacks Point.

- (d) Whether road connections in, through and out of the site shown on the Structure Plan are to be created. Note that the exact location will not normally be of concern in determining whether compliance with the structure plan is being achieved.
- (e) Whether the indicative road layout will facilitate existing or potential future public transport routes through Henley Downs to the Jacks Point Village. Indicative locations of future bus stops should be shown.
- (f) Whether the road network is designed so that all lots benefit from logical, efficient and safe vehicle routes to State Highway 6, the Jacks Point Village and, where practical, between neighbourhoods.
- (g) Whether road and street design cross sections show key dimensions and features of roads, footpaths, walkways, cycleways, on-street parking, stormwater management infrastructure and, where relevant, indicative street furniture and public transport infrastructure.
- (h) Whether road and street design cross sections are shown to be proposed for use in appropriate locations reflecting the likely role and function of the road or street. Note, this is likely to require showing a road hierarchy for roads and streets in the area to which the Outline Development Plan applies.
- (i) Whether road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists. Consideration should be given to issues such as width of carriageways, noting that wide carriageways can promote unsafe vehicle speed, and traffic calming measures.

HENLEY DOWNS ZONE

12

- (j) Whether proposed road and street designs make a positive contribution to the amenity of the settlement.
- (k) Whether on roads and streets where traffic volumes are expected to make lane sharing between motor vehicles and cycles unpleasant or unsafe, road and street designs show how segregated cycle lanes are to be incorporated, or alternatively, a plan shows safe and practical alternative cycling routes.

In regard to **proposed activities**:

- (a) Whether the zone maintains a predominantly residential character. While the Henley Downs Zone provides some flexibility for non-residential activities to establish, Outline Development Plans that would result in Henley Downs assuming a predominantly non-residential nature will not normally be approved.
- (b) Whether non-residential activities that may give rise to noise or other effects that risk undermining residential amenity are appropriately located or it is shown that appropriate mitigation is proposed to provide confidence that zone standards can be met.
- (c) Whether retirement villages are located in such a way as to reduce the prospect of their servicing and operation leading to reverse sensitivity conflicts with other residential and non-residential uses
- (d) Whether the location of activities in relation to the road network will avoid levels of traffic generation that create unsafe or unpleasant residential neighbourhoods.
- (e) The extent to which the location of any proposed utilities that may need consent under Section 17 of the Plan are located in such a way as to enable efficient use while, where practical, mitigating reverse sensitivity effects that may arise.

- (f) Whether opportunities are realised to co-locate non-residential uses that can serve as a community hub within a Commercial and Community Precinct

In regard to the location of **Medium Density Housing Precincts and Commercial and Community Precincts**:

- (a) Whether any Commercial and Community precinct intended to serve as a community hub is located so as to be easily accessible and visible from the main through road shown on the Structure Plan.
- (b) The extent to which any Medium Density Housing precincts are located so as to benefit from reasonable access to open space and public transport (now or in the future).

In regard to **natural hazard risks**:

- (a) Whether, in considering natural hazard information, the proposed development is considered to be feasible. In applying this assessment matter, the level of assessment should take account of the need to apply for subsequent subdivisions and resource consents in which natural hazards will be a matter considered.

In regard to **open space areas, public transport links, pedestrian and cycle links**:

- (a) Whether, where terrain and site constraints do not enable connections between streets, safe, convenient and attractive walking and cycle connections are provided where practical.
- (b) Whether a range of public open spaces are shown on the Outline Development Plan including larger natural areas, playing fields (where Council has identified a need), smaller urban parks and playgrounds which provide relief from urban streetscapes, community meeting points and recreation opportunities.

HENLEY DOWNS ZONE

12

- (c) Whether medium density housing precincts benefit from reasonable access to useful public parks and open spaces.
- (d) Whether parks and reserves, through their location and interrelation with adjacent uses, can provide safe and pleasant environments.
- (e) Whether a significant part of the south face of the mound toward the south end of Development Area G is to be retained, including the existing height, so that an undeveloped slope can be viewed from the Jacks Point Village.

In regard to **mitigation measures to ensure development is not highly visible from State Highway 6**

- (a) Whether and where, in order to ensure buildings are not highly visible from State Highway 6, landscaping such as plating or mounding is proposed.
- (b) Whether proposed landscaping will appear natural or be in keeping with the historical use of the site.
- (c) Whether, in order to ensure buildings are not highly visible from State Highway 6, specific height or colour controls for buildings are necessary for parts of the zone.
- (d) Whether, in order to ensure buildings are not highly visible from State Highway 6, conditions are necessary to prescribe that development not occur until landscaping has been undertaken, existing vegetative screening secured and/or a succession plan for existing vegetation put in place. In particular, it is anticipated that such measures may need to be considered in parts of Development Areas A, B and C as shown on the Structure Plan.

In regard to **treatment of the interface between the urban and rural area:**

- (a) Whether the proposed treatment of the boundary between the urban area and the rural or natural part of the site will maintain rural amenity and provide for a safe and pleasant urban environment. Such treatment may include (but is not limited to) streets, roads, walls, rural fences, mounding and planting. Suburban style fences which are highly visible from the rural area should be avoided. Any materials used should maintain a coherent theme with similar constructions in Greater Jacks Point.
- (b) Whether any encroachments of sections into the Agriculture Conservation and Recreation Activity Area is justified on the basis that:
 - a. landscape effects will be minor; and
 - b. little or no development is proposed within the Agriculture Conservation and Recreation Activity Area parts of the sites; and
 - c. an attractive urban edge will result; and
 - d. there is considered to be a practical benefit in privatising those areas.

In regard to a **biodiversity management and restoration plan for the wetland**

- (a) Whether a biodiversity management and restoration plan will be effective in maintaining and enhancing the biodiversity values of the wetland located within Development Area J, including through weed control, fencing, replanting of vegetation and the establishment of ongoing management arrangements.
- (b) With respect to any buildings proposed in the part of Development Area J covered by Agriculture, Conservation and Recreation Activity Area:
 - a. whether they are related to conservation activities or the enjoyment of the natural area (for example boardwalks)
 - b. whether they would risk degrading the natural values of the wetland through disturbance of wildlife or indigenous vegetation.

HENLEY DOWNS ZONE

12

- (c) Whether an appropriate setback for development from the margins of the wetland is proposed so as to avoid undue disturbance of wildlife and support the restoration and enhancement of vegetation.

In regard to **water, stormwater, and wastewater infrastructure**

- (a) Whether a stormwater management plan shows proposed stormwater flow paths and soakage and disposal areas.
- (b) Whether a stormwater management plan appropriately accounts for site conditions and for likely stormwater flows from a fully developed catchment.
- (c) Whether development that may hinder the safe and effective function of overland flow paths is avoided.
- (d) Whether, where practical, low impact design solutions have been employed to minimise or prevent adverse effects on the environment.
- (e) Whether, where practical, safe and practical proposals to integrate stormwater management facilities into an attractive public realm and/or biodiversity corridors are proposed (including through planting of vegetation).
- (f) Whether a water supply exists or can feasibly be built to ensure that an appropriate quality and quantity of secure water supply will be available to development in the area subject to the Outline Development Plan.
- (g) Whether infrastructure exists or can be feasibly built to ensure that wastewater from development in the area subject to the Outline Development Plan will be appropriately treated and disposed of.

(ii) **Residential buildings of more than three residential units**

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following

Queenstown-Lakes District Council – DISTRICT PLAN Proposed as part of Plan Change 44

assessment matters:

- (a) Whether the development positively contributes to the streetscape through the location and design of the built form, carparking, balconies, ground floor levels, accessways, the treatment of the public/ private interface, and landscaping.
- (b) Whether buildings are able to achieve a high level of connection with the street, including establishing local character and evoking visual interest from street users.
- (c) Whether the design creates a visual connection between land uses and the street, including through having windows that face the street.
- (d) Whether views from the street into sites are clearly drawn to land use activities and entrance points, with garages being a recessive visual feature. Applications where the garage, front fencing, or high front landscape screening will dominate a site frontage will not normally be approved.
- (e) Whether the visual effect of monotonous or repetitious facades created by same or similar unit types have been avoided or mitigated through articulation of building frontages. Such effects may be mitigated by such means as variations in form, height, materials, texture and colour, or by including recesses or protrusions in the elevation which are of a sufficient depth and width to effectively break any monotony of the form.
- (f) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
- (g) Whether communal car parking is designed so that spaces are broken up and easily identifiable with each unit and commercial-style continuous parking areas avoided.
- (h) Whether there are suitable places to store cycles within residential units (such as garages) or secure and convenient cycle parking / storage is available for each unit.

X- 18

HENLEY DOWNS ZONE

12

- (i) Whether each unit is designed to minimise loss of privacy and nuisance effects between other units, such as by off-setting windows in close proximity to one another.
- (j) Whether waste and recycling material can be appropriately stored within the grounds of each area, or convenient, appropriately sized and designed communal areas for the storage of waste are available.
- (k) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
- (l) Whether private and public space are clearly demarcated
- (m) Whether proposals to utilise innovative, cost effective building designs, methods and materials that may support the provision of affordable housing are not unreasonably precluded.

(iii) Non-residential activities

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

- (a) Whether the design of the building(s), open spaces, carparking, access, and landscaping successfully mitigates the adverse effects on adjoining properties in terms of:
 - (i) Noise, vibration and lighting from vehicles
 - (ii) Protecting privacy for residential neighbours.
- (b) Whether buildings, taking account of their proposed location, function and visibility, will make an attractive contribution to the streetscape or landscape. Consideration should be given to factors such as:
 - Building materials
 - Colour
 - Glazing treatment
 - Symmetry
 - External appearance
 - Vertical and horizontal emphasis
 - Ground floor levels
 - Balconies and veranda designs
 - the ratio of the building height relative to the width of the adjacent street or open space.
- (c) Whether the design, colour and choice of building materials will contribute to a coherent theme for the street and neighbourhood.
- (d) Whether the buildings would be attractive when viewed from elevated locations inhabited or frequented by people. This may affect the location of air conditioning units, other utilities, signs and lighting or necessitate screening.
- (e) Whether the building is setback from the road or not and the extent to which it is set back. The following can be used as a guide:
 - a. In Commercial and Community Precincts (aside from those precincts designed to provide for larger scale community activities such as schools), it is anticipated that buildings would be located up to the road boundary.
 - b. Individual non-residential buildings that are surrounded by residential properties should normally be set back consistent with residential buildings.
 - c. For larger scale buildings, including community activities such as schools are expected to be setback considerably further.
- (f) Whether the area set aside for the storage of waste is adequately sized and designed to enable the separation, storage and collection of recyclable waste. Where possible, servicing and waste storage areas should be located to the side or rear of buildings in a location accessed separately from the public entrance.

HENLEY DOWNS ZONE

12

- (g) The extent to which the outside storage of any goods, materials or equipment (including vehicles associated with the activity parked on the site overnight) would have an adverse effect on the residential amenity of neighbours or the streetscape. With respect to this assessment matter, whether the site is within a Commercial and Community Precinct approved as part of Outline Development Plan, and can therefore be reasonably anticipated, may be a relevant consideration.
- (h) Whether any landscaping associated with buildings, for the purposes of mitigation or beautification, will:
 - a. Would result in adverse effects on neighbouring properties; and
 - b. Would be practical to maintain.
- (g) Whether sufficient car and cycle parking is available or proposed either on site or through shared or common areas to serve the needs of the development's visitors, customers and employees and avoid or mitigate adverse effects on the visual amenity and convenience enjoyed by neighbouring properties and those frequenting the wider area. In applying this assessment matter regard should be given to:
 - a. the availability of alternative transport means, and
 - b. the frequency at which adverse effects are likely to be experienced.
- (h) Whether car parking is appropriately located and designed. Sites should be designed so that buildings and/or landscaping are the dominant features visible from streets and open spaces; with car parking areas located to the side or rear of buildings. Car parking should be landscaped.
- (i) Whether, in any Commercial and Community Precinct (aside from those precincts designed to provide for larger scale community activities such as schools), the building contributes to the creation of an active street frontage. In such areas it is expected that:

- a. Pedestrian amenity and opportunities for pedestrian movement shall be maximised along main streets through the provision of footpaths, verandas, interesting façade designs (which should include the main pedestrian entrance into the building), minimal vehicle crossings, and the avoidance, where possible, of any deliveries or servicing from the main street.
- b. Vehicle accesses from main streets shall be minimised and avoided where possible, through the provision of rear lanes or through vehicle crossings being shared between properties wherever possible.
- c. Main entrances shall be at the front of buildings and should be clearly visible from the street.
- (j) Whether, for buildings which adjoin open spaces, an appropriate interface is achieved with that open space that makes the open space feel safe and attractive. Where possible, buildings should front the open space with openings and extensive glazing,

(iv) In regard to sale of liquor:

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

- (a) With regards to the appropriateness of the location, the sale of liquor is only likely to be appropriate within a commercial and community precinct approved in an Outline Development Plan or as part of another approved use such as visitor accommodation, retirement villages, recreation facilities or temporary activities.
- (b) With regards to the scale of the activity and hours of operation, frequency of use and its compatibility in relation to surrounding and/or adjoining uses should be considered.

HENLEY DOWNS ZONE

12

- (c) With regards to retention of amenity, the effect on existing and foreseeable future uses of the neighbourhood, particularly in relation to noise, traffic generation and loss of privacy should be taken account of.
- (d) With regard to noise, it should be demonstrable that relevant zone standards will be able to be met on an ongoing basis. How the topography of the site and neighbouring area and proposed mitigation will affect noise emissions beyond the site should be considered. A noise management plan may be required.
- (v) **In regard to size of Outline Development Plans (in relation to any breach of the site standard 12.30.4.1(i)):**
 - (a) Outline Development Plan that cover only part of an entire Development Area will not normally be approved unless there is a practical reason for limiting the extent of the application.
- (vi) **Earthworks (in relation to any breach of zone standard 12.30.4.1(iii)):**

1. Environmental Protection Measures

- (a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.

- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

2. Effects on landscape and visual amenity values

- (a) Whether the scale and location of any cut and fill will adversely affect:
 - the visual quality and amenity values of the landscape;
 - the natural landform of any ridgeline or visually prominent areas;
 - the visual amenity values of surrounding sites.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site.

3. Effects on adjacent sites:

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

4. General amenity values

HENLEY DOWNS ZONE

12

(a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.

(b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

(c) Whether natural ground levels will be altered.

5. Impacts on sites of cultural heritage value:

(a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.

(b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

(vii) In regard to protection of indigenous vegetation (in relation to any breach of the site standard 12.30.4.1(iv)):

(a) Whether any loss or degradation of ecological values is reinstated or offset by planting, weed or pest control that contributes to the biodiversity of other Areas of Biodiversity Value as identified in the Structure Plan.

(b) Whether, with respect to buildings, a building will benefit conservation efforts or support the enjoyment of natural areas by the public without unduly undermining conservation values.

(viii) In regard to height for residential buildings of three or more units and non-residential buildings (in relation to any breach of site standard 12.30.4.1(v)):

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

(a) Whether a protrusion through the height plane is necessary to enable more efficient and/or appropriate use of the site within the height plane.

(i) Whether a protrusion through the height plane is necessary to enable a lift tower.

(j) Whether a better design outcome can be achieved through allowing a protrusion through the height plane when compared to alternative complying designs.

(k) Whether the increase in height is necessary for the practical use of the building. Applications in which a protrusion is proposed so as to exaggerate the visual prominence of the building are unlikely to be approved.

(l) Whether the location of the buildings, proposed setbacks and mitigation would mean that a protrusion through the height plane would result in minimal adverse effects on the amenity and privacy enjoyed by neighbours and on the cohesiveness of residential character.

(ix) In regard to setbacks from internal boundaries (in relation to any breach of site standard 12.30.4.1(vi)):

(a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient or practical use of the remainder of the site.

(b) Any adverse effects of the proximity of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.

HENLEY DOWNS ZONE

12

- (c) Any adverse effects on adjoining sites of the proximity of building, in terms of reduced privacy, noise, glare or vibration, and the extent which this is inconsistent with the living environment anticipated in the neighbourhood.
- (d) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.
- (e) The ability to mitigate adverse effects of the proposal on adjoining sites, including the ability to provide adequate opportunities for landscaping around buildings.
- (f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (h) Any adverse effects of the proximity of the buildings housing animals in terms of noise, smell, or vermin on adjoining sites.
- (x) In regard to continuous building length (in relation to any breach of site standard 12.30.4.1(viii)):**
 - (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) of the outlook from the street and adjoining sites, which is out of character with the local area.
 - (b) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.

(xi) In regard to garages (in relation to any breach of site standard 12.30.4.1(ix)):

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

- (a) Whether the breach of the standard would result in:

- a. Visual dominance of the frontage of a residential building by a garage when viewed from the street; or
- b. The obstruction of sight lines from the street to windows or the main entrance to the house; or
- c. the diminishing of the coherence of the design and built form of the street or neighbourhood.

(xii) In regard to fence height (in relation to any breach of site standard 12.30.4.1(x)):

- (a) whether the breach of the standard would result in:
 - a. public places (including streets and parks) appearing less safe or attractive; or
 - b. The obstruction of site lines from the street to windows of living areas or the main entrance to the house; or
 - c. the diminishing of the coherence of the design and built form of the street or neighbourhood.
- (b) Whether any measures have been taken to reduce potential adverse effects, for example through the use of permeable or transparent fencing materials

12.30.5.2 Discretionary activities

(i) In regard to Service Activities

- (a) Whether the activity relates directly to the maintenance, operation or construction of Greater Jacks Point.
- (b) Whether the design, location and associated mitigation would satisfactorily avoid remedy or mitigate any adverse effects on the

HENLEY DOWNS ZONE

12

amenity enjoyed by other uses in and around Greater Jacks Point and landscape values.

(ii) In regard to forestry:

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

(1) In considering whether the proposed forestry has the potential to cause wilding spread, the following matters shall be taken into account:

- (a) The species of trees proposed, and their potential to naturalise and spread;
- (b) The location of the site, having particular regard to the slope and the exposure to wind;
- (c) The surrounding land use, having particular regard to land downwind from the site;
- (d) Whether a risk assessment has been completed by the applicant;
- (e) Whether management plans are proposed for the eradication and/or control of wilding spread.

(2) In considering whether the forestry activity will adversely affect landscape values of the surrounding environment, the following matters shall be taken into account:

- (a) The existing character of the surrounding landscape, having particular regard to whether it has an open character at present;
- (b) The potential to block important views from roads and other public places;
- (c) The proximity to neighbouring properties, and the potential to shade and/or block views from neighbouring residences.

(3) In considering whether the forestry activity will adversely affect the ecological values of the surrounding environment, the following matters shall be taken into account:

- (a) The existing ecological values of the subject land and the surrounding environment, having particular regard to the potential effects on existing indigenous ecosystems;
- (b) Current and future demand on water resources.

(4) In considering the effects associated with the maintenance and harvesting of forestry activities, the following matters shall be taken into account:

- (a) Traffic Generation
- (b) Volume and disposal of hazardous waste, and hazardous substances
- (c) Production of noise and odour;
- (d) Associated earthworks, and potential effects on water quality.

(ii) In regard to mining:

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

- (a) The extent to which mining activities will adversely affect:
 - (i) amenity values
 - (ii) recreational values
 - (iii) nature conservation values
 - (iv) landscape and visual amenity values
 - (v) historical, cultural or known archaeological artefacts or sites
 - (vi) life supporting capacity of soils, water and air.
 - (vii) public access to and along the lake, river or waterway.

HENLEY DOWNS ZONE

12

- (b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.
- (c) The ability of the proposal to rehabilitate the site during and after mining.
- (d) The ability of the company to:
 - (i) provide a contingency plan for early mine closure
 - (ii) adequately monitor operations and the effects of the receiving environment.
- (e) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.
- (f) The benefit in supporting the development of Jacks Point and Henley Downs through locally sources materials, including the potential for reduced use of energy through transportation.

(iii) In regard to activities inconsistent with an approved Outline Development Plan:

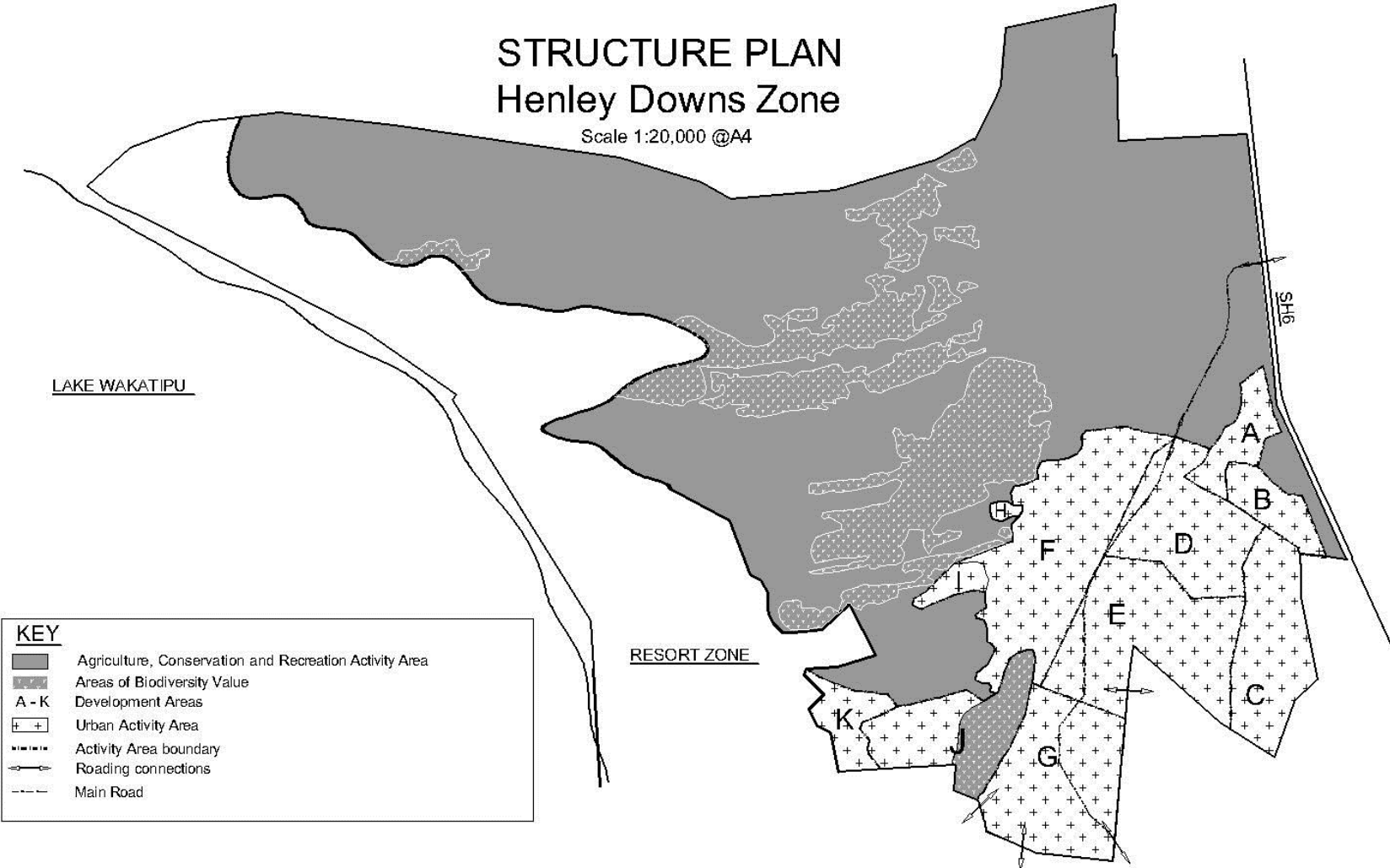
- (a) The extent to which the activity may be of a nature, scale or frequency that would undermine the integrity of an approved Outline Development Plan.
- (b) The likelihood that an Outline Development Plan may have prescribed different outcomes on other sites had the development been proposed as part of that process.

(iv) In regard to buildings in the Agriculture, Recreation and Conservation Activity Area:

- (a) Whether the buildings are intended for the purposes of servicing and infrastructure important to the functioning of Greater Jacks Point and landscape effects have been satisfactorily mitigated.
- (b) The extent to which proposed habitat restoration or a contribution toward the protection and enhancement of ecological values within the Agriculture, Conservation and Recreation Activity Area may benefit biodiversity.
- (c) Whether the buildings, associated development and activities would be highly visible when viewed from State Highway 6, Lake Wakatipu or places frequented by the public outside of the Henley Downs Zone.
- (d) With respect to buildings for farming purposes:
 - a. Whether the design is in keeping with what may be anticipated on a working farm,
 - b. Whether colours and external building materials are recessive
 - c. Whether the building is appropriately located away from landscape sensitive areas such as skylines and ridges and areas close to State Highway 6
- (e) The extent to which the building may aid conservation activities.
- (f) The extent to which the building may aid in the public's recreational enjoyment of the Agriculture, Recreation and Conservation Activity Area.

Note . for the avoidance of doubt landscape classifications and associated policies set out in Section 4 of the District Plan are applicable in the assessment of proposals in the Agriculture, Recreation and Conservation Activity Area.

HENLEY DOWNS ZONE



HENLEY DOWNS ZONE

12

Appendix H

RESORT ZONE - RULES

12

12.2 Resort Zone Rules

12.2.1 Zone Purposes

The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality covering approximately 200ha of land near Arrowtown. Millbrook provides for recreational, commercial, residential and visitor activities and the general amenity of the Zone is one of higher density development enclaves located in the open rural countryside with well landscaped grounds. The Zone provides for golf courses and a range of other outdoor and indoor sporting and recreational activities. Hotel and residential accommodation are provided for, together with support facilities and services.

The purpose of the Waterfall Park Resort Zone is to provide for open space and passive recreational activities in conjunction with residential, visitor accommodation and commercial activities in a high amenity environment.

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

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

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

12.2.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter.

- | | |
|--|-----------------|
| (i) Heritage Protection | - Refer Part 13 |
| (ii) Transport | - Refer Part 14 |
| (iii) Subdivision, Development and Financial Contributions | - Refer Part 15 |
| (iv) Hazardous Substances | - Refer Part 16 |
| (v) Utilities | - Refer Part 17 |
| (vi) Signs | - Refer Part 18 |
| (vii) Relocated Buildings and Temporary Activities | - Refer Part 19 |

12.2.3 Activities

12.2.3.1 Permitted Activities

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

12.2.3.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

i Recreation Facilities

- (a) In the Waterfall Park Resort Zone recreation facilities for active and passive purposes. Provided in those areas shown as O/P on the Structure Plan, facilities for passive and active recreation shall not include buildings or structures.

RESORT ZONE - RULES

12

ii Visitor Accommodation

In the Waterfall Park Resort Zone all Visitor Accommodation.

iii Administration

In the Waterfall Park Resort Zone administration and servicing of facilities with the Zone, including storage, maintenance and depot facilities.

iv Community Activities

In the Waterfall Park Resort Zone community activities limited to crèches and other child care facilities, conference and theatre facilities.

v Dams and Other Structures

In the Waterfall Park Resort Zone structures for the retention of water, ponds, streams, water races, drains, channels and pipes.

vi Education Facilities

In the Waterfall Park Resort Zone education facilities.

All activities from i to vii above are controlled in respect of the following matters:

- (a) Location and external appearance of buildings
- (b) Setback from roads
- (c) Setback from internal boundaries
- (d) Vehicle access and street layout
- (e) Outdoor living space
- (f) Street scene including landscaping
- (g) Enhancement of ecological and natural values
- (h) Provision for internal walkways, cycle ways and pedestrian linkages
- (i) Noise

- (j) Hours of operation.

vii Buildings

- (a) In the Millbrook Resort Zone buildings which comply with Figure 1 Structure Plan . Millbrook Resort Zone with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (b) In the Waterfall Park Resort Zone buildings with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (c) In the Jacks Point Zone buildings which comply with the relevant Jacks Point Structure Plan with the exercise of the Council's control being limited to:
 - the external appearance of buildings with respect to the effect of visual values of the area and coherence with surrounding buildings; and
 - infrastructure and servicing; and
 - associated earthworks and landscaping;
 - access
 - location; and
 - compliance with any relevant Council approved development controls and design guidelines.
- (d) In the Jacks Point Zone, residential buildings located within the Homesite Activity Areas (HS Activity Areas), with the exercise of the Council's control being limited to:

RESORT ZONE - RULES

12

- 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.

viii Parking, Loading and Access

- (a) In the Millbrook Resort, Jacks Point and Waterfall Park Zones parking, loading and access in respect of the location and design of access points and their impact on the safety and efficiency of the surrounding road network, and the number of parking spaces to be provided.

ix Landscaping and public access (Jacks Point Zone)

The design of the Lakeshore, Peninsula Hill and Highway Landscape Protection Areas and provision of public access to Lake Wakatipu through the zone, and for planting within the Open Space - Foreshore Activity Area in respect of:

- All landscaping;
- Species proposed;
- Long term management considerations;

- The maintenance of view shafts;
- Integration with adjoining land uses;
- Mode of access, i.e. walking, cycle or motor vehicle;

- Alterations to the alignment of the public access route shown on the structure plan

x Earthworks

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

xi Outline Development Plan - Residential Activity Areas

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

- (a) Roading pattern.
- (b) Indicative subdivision design and lot configuration and allotment sizes.
- (c) Compliance with the relevant Density Master Plan.
- (d) Mitigation measures to ensure that no building will be readily visible from State Highway 6.
- (e) Mitigation measures to ensure that no building in the central valley will be readily visible from Lake Wakatipu.
- (f) Proposed setbacks from roads and internal boundaries.
- (g) Pedestrian links through the (R) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas.
- (h) The identification of areas for visitor parking which have regard to the amenity values of the Zone.

RESORT ZONE - RULES

12

- (i) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
 - (j) The maintenance of view shafts.
 - (k) The relationship and preservation of public use of and access to public open spaces.
 - (l) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.
- xii Outline Development Plan - Village Activity Areas**
In the Jacks Point Zone, the Outline Development Plan of any Village (V) Activity Area lodged with the Council for approval pursuant to Rule 12.2.5.1(viii), in respect of:
- (a) Roading pattern.
 - (b) Indicative subdivision design and configuration and allotment sizes.
 - (c) Proposed setbacks from roads and internal boundaries.
 - (d) Pedestrian links through the (V) Activity Area to connect with surrounding or adjoining (G) and/or (O/P) Activity Areas,
 - (e) The identification of areas for visitor parking which have regard to the amenity values of the Zone.
 - (f) Proposed landscaping to be situated on any road reserve or other land intended to be accessible to the public.
 - (g) The maintenance of view shafts.
 - (h) The relationship and preservation of public use of and access to public open spaces.
 - (i) The Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan.

- (j) Within the Homestead Bay Area (Figure 3) the Design Guidelines which will apply to all buildings erected within the area subject to the Outline Development Plan will:
 - Demonstrate compliance with the Site and Zone Standards in relation to proposed activities, building coverage limits, building distribution across the village and limits on height and building bulk.
 - Specify the controls necessary in order to provide for visual breaks between buildings on both a vertical (west-east) and horizontal (north-south) plane across the village when viewed from the lake.
 - Take into account the other matters over which the Council exercises control listed above in items (a) to (h).

12.2.3.3 Discretionary Subdivision Activities

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

12.2.3.4 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying** Activities and they comply with all the relevant **Zone** Standards:

i Buildings

- (a) In the Millbrook Zone all buildings which do not comply with Figure 1 Structure Plan . Millbrook Resort Zone.

RESORT ZONE - RULES

12

- (b) In the Jacks Point Zone, buildings located within the Lodge Activity Areas (L Activity Areas), with the exercise of the Council's discretion being limited to:
- the external appearance of buildings with respect to the effect on visual and landscape values of the area;
 - infrastructure and servicing;
 - associated earthworks and landscaping;
 - access and parking;
 - bulk and location;
 - exterior lighting; and
 - compliance with any relevant Council approved development controls and design guidelines.
- (c) In the Jacks Point Zone, within any Homesite Activity Area (HS Activity Area), the addition of any building which results in a total building footprint greater than 1000m² within that Activity Area, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.2(vii)(d) above.
- (d) In the Jacks Point Zone, buildings directly associated with services (refer definition) which do not comply with the relevant Structure Plan, with the exercise of Council's discretion limited to those matters identified in Rule 12.2.3.4(i)(b) above.
- ii Residential Units**
- (a) In the Waterfall Park Zone all residential activities provided that the maximum number of residential units within the zone shall not exceed 100.
- iii Airports**
- (a) Limited to a single helicopter landing area in the Millbrook Resort Zone
- (b) Limited to helicopter landing areas in the Jacks Point Zone.
- iv Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone** Standards but does not comply with one or more of the **Site** Standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.**
- v Vegetation (Jacks Point Zone)**
- In the Jacks Point Zone:
- (a) Within the Highway Landscape Protection Area (refer Structure Plan) - the planting and/or growing of any tree which may or does obscure views from the State Highway to the mountain peaks beyond the zone.
- (b) Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) - the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Peninsula Hill escarpment.
- (c) Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Lake Wakatipu foreshore.
- (d) Within the Tablelands (refer Structure Plan), the planting and/or cultivation of any exotic vegetation, with the exception of:
- (i) grass species if local and characteristic of the area; and
 - (ii) other vegetation if it is:
 - less than 0.5 metres in height; and

RESORT ZONE - RULES

12

- less than 20 square metres in area; and
- within 10 metres of a building; and
- intended for domestic consumption.

(e) Anywhere within the zone, the planting and/or growing of the following tree species:

- Pinus muricata; or
- Pinus contorta; or
- Pinus nigra.

vi Earthworks (Jacks Point Zone)

In the Jacks Point Zone, earthworks which are not associated with a subdivision, the construction, addition or alteration of any building, or golf course development, **and** do not comply with the site and zone standards for earthworks, with the exercise of Council's discretion being limited to:

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

vii Golf Course Development (Jacks Point Zone)

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

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

viii Outdoor Swimming Pools and Tennis Courts(Jacks Point Zone)

In the Jacks Point Zone, any tennis court located within the smaller of the two Lodge Areas as depicted on Structure Plan 1 . Jacks Point Zone and any outdoor swimming pool located within the Tablelands (except spa pools less than 9m² and located within any Homesite or Lodge Activity Area) shall be a restricted discretionary activity, with the exercise of Council's discretion being limited to:

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

ix Mining

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

x Health and Education Services

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

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

12.2.3.5 Non-Complying Activities

The following shall be **Non-Complying Activities**, provided that they are not listed as a **Prohibited Activity**:

i Factory Farming

RESORT ZONE - RULES

12

ii Farming

In the Millbrook Resort and Waterfall Park Resort Zones all farming activities.

iii Forestry Activities

iv Mining Activities

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

v Industrial and Service Activities

With the exception of service activities in the Jacks Point Zone

vi Airports

Airports **other than**

- (a) the use of land and water for an emergency landings, rescues and fire fighting
- (b) a single helicopter landing approved as a discretionary activity under rule 12.2.3.4 (v) in the Millbrook Resort Zone.
- (c) helicopter landing areas approved as a discretionary activity under Rule 12.2.3.4(iii) in the Jacks Point Zone.

vii Buildings

- (a) In the Waterfall Park Resort Zone buildings within 7 m of Mill Creek.
- (b) In the Jacks Point Zone all buildings which do not comply with the relevant Structure Plan.

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

viii Residential Flat

Except in the Jacks Point Zone

ix Wetlands

In the Jacks Point Zone, any development, landscaping and/or earthworks within 7 metres of any wetland area identified on the relevant structure plan.

x Outdoor Tennis Courts (Jacks Point Zone)

In the Jacks Point Zone any outdoor tennis court located within the Tablelands Area except for any tennis court located within the smaller of the two Lodge Areas as depicted on Structure Plan 1 . Jacks Point Zone (refer to rule 12.2.3.4 viii).

- xi Any Activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone** Standards, shall be a **Non-Complying Activity**.

12.2.3.6 Prohibited Activities

The following shall be **Prohibited Activities**

Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

12.2.4 Non-Notification of Applications

- (a) In the Jacks Point Zone the design and layout of the Highway and Lakeshore Landscape Protection Areas and Open Space . Foreshore Activity Area under Rule 12.2.3.2(ix) and any variation of the Public Access Route shown on the Jacks Point Structure Plans may be publicly notified under section 94 of the Act.
- (b) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with section 93 of the Act, unless special circumstances exist in relation to any such application:

RESORT ZONE - RULES

12

- (i) All applications for **Controlled** Activities.
- (ii) Applications for the restricted discretionary activities detailed in rules 12.2.3.4 i (b), vi, vii, and viii.

12.2.5 Standards – Activities

12.2.5.1 Site Standards

i Structure Plan

The siting of buildings and activities within the Resort Zone must be in conformity with the Activity areas of the relevant **Structure Plans** as set out below and in Figure 1 to this Rule, except for Accessory, Utility and Service Buildings less than 40m² floor area in the Millbrook and Waterfall Park Zones. The location of activities as provided for by the Structure Plan is restricted to the following:

- (a) Residential Activities Area (R) . the use of this area is restricted to Residential Activities.
- (b) Village Area (V) . In the Jacks Point and Millbrook Resort Zones the use of this area is restricted to Residential and Visitor Accommodation Activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities. In the Jacks Point Zone, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities are also allowed in this area. In the Waterfall Park Resort Zone the use of this area is restricted to Residential and Visitor Accommodation Activities including bars and restaurants, theatres, conference, cultural and resort facilities and office and administration activities ancillary to the above activities.
- (c) Recreation Activities (F) - the use of this area is restricted to recreation activities.

- (d) Golf Course and Open Space (G) - the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166.
- (e) Open Space, Landscaping and Passive Recreation (O/P) - the use of this area is restricted to outdoor recreation activities and open space.
- (f) Resort Services (S) - the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
- (g) Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants, and conference or meeting facilities.
- (h) Home site Activity Area (HS Activity Area) - the use of this area is restricted to Residential Activities and, in addition, a maximum of one residential unit per HS Activity Area.
- (i) Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities, provided that:
 - (i) No more than 15 building platforms are permitted within the Activity Area;
 - (ii) Those 15 building platforms referred to in (i) above are confined to 3 or 4 clusters; and
 - (iii) No building is to be erected prior to the horticultural activity being approved by the Council and planted.
- (j) Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.
- (k) Open Space (OS) - the use of this area is restricted to pastoral and arable farming and endemic revegetation.

RESORT ZONE - RULES

12

(l) Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential dwellings set within a regenerating foreshore environment, provided that:

(i) Prior to any development occurring within any allotment located within the Open Space - Residential Activity Area, at least 50% of that allotment must be planted with native vegetation.

(m) Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.

(n) Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use

ii Setback from Roads and Internal Boundaries

(a) No building or structure shall be located closer than 6m to the Zone boundary, **except:**

(i) in the Jacks Point Zone (excluding the Boating Facilities (BFA) Activity Area) no building or structure shall be located closer than 20m to the Zone boundary.

(ii) This rule shall not apply to the Boating Facilities (BFA) Activity Area in the Jacks Point Zone.

(b) In the Millbrook Resort Zone no building shall be located within the following minimum setback distances from Malaghan Road or the Arrowtown Lake Hayes Road;

(i) Buildings for Residential Accommodation, Recreation 10m Activities, Retail Activities

(ii) Buildings for Visitor Accommodation 20m

iii ~~Access (Jacks Point Zone)~~

~~(a) Access to the Jacks Point Zone shall be from the Transit New Zealand approved access, located as detailed in Figure 1 - Jacks Point Zone and constructed in accordance with Figure 4 - Jacks Point Zone: Transit Approved Intersection Design.~~

~~(b) The approved access referred to in (a) above shall be established prior to:~~

~~The completion of a golf course or any public recreation facilities within the Zone~~

~~Any new residential dwellings within the Zone being occupied~~

~~Advisory Note: A Traffic Management Plan is required to be submitted to Transit New Zealand from any persons using Woolshed Road in relation to construction and/or development at Jacks Point Zone.~~

iv Planting (Jacks Point Zone)

No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been revegetated with native vegetation. The area required to be revegetated for the purposes of this rule shall be the greater of 3,000m² or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated. The area to be revegetated may, at the election of the owner of lot or title, be situated all or partly within the lot or title within which the Homesite Activity Area is situated and/or all or partly in another location(s) agreed by the Council. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.

RESORT ZONE - RULES

12

v Fencing (Jacks Point Zone)

There shall be no fences or walls within the boundary of any lot or title within the Tablelands Area of the Jacks Point Zone outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as %Public Access Route+on Figure 1 and Figure 2 . Jacks Point Zone. Any such fencing shall be post and wire only.

vi Earthworks

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

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

1 Volume of Earthworks

- (a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of %Volume+, see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m³ (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
 - (i) expose any groundwater aquifer;

- (ii) cause artificial drainage of any groundwater aquifer;
- (iii) cause temporary ponding of any surface water.

2 Height of cut and fill and slope

- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe from the site boundary (See interpretative diagram 6). Except where the cut of fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height or any fill shall not exceed 2 metres.

3 Environmental Protection Measures

- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (b) Any person carrying out earthworks shall:
 - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
 - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the

RESORT ZONE - RULES

12

Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

- 4 Protection of Archaeological sites and sites of cultural heritage
- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
 - (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Area.
- vii Density Master Plan (Jacks Point Zone)**
- (a) No residential development shall take place within any Jacks Point Residential Activity Area (R(JP) Activity Area) identified on Structure Plan 1 - Jacks Point Zone until a Density Master Plan has been lodged with the Council in respect of all R(JP) and V(JP) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(JP) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(JP) Activity Area in order to achieve the required overall average density of between 10-12 dwellings per hectare across all of the R(JP) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(JP) Activity Areas.
 - (b) An amended Density Master Plan may be lodged with the council in respect of all R(JP) Activity Areas from time to time - with the effect of amending densities within individual R(JP) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(JP) Activity Areas.
 - (c) ~~No residential development shall take place within any Henley Downs Residential Activity Area (R(HD) Activity Area) identified on Structure Plan 2 - Jacks Point Zone until a Density Master Plan has been~~

~~lodged with the Council in respect of all R(HD) Activity Areas illustrating how an average density of between 10-12 dwellings per hectare will be achieved calculated across and including all of the land within all of the R(HD) Activity Areas. The Density Master Plan shall identify how many dwellings are proposed within each R(HD) Activity Areas. The Density Master Plan shall also identify a staging plan for development of all the R(HD) Activity Areas.~~

- (d) ~~An amended Density Master Plan may be lodged with the Council in respect of all R(HD) Activity Areas from time to time - with the effect of amending densities within individual R(HD) Activity Areas - provided that such an amended Density Master Plan maintains the overall average density of between 10-12 dwellings per hectare within all R(HD) Activity Areas.~~
- (e) No residential development shall take place within any R(JP) Activity Area, ~~or R(HD) Activity Area~~ which does not comply with the current Density Master Plan lodged with the Council pursuant to previous subparagraphs of this rule.

viii Outline Development Plan (Jacks Point Zone)

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

RESORT ZONE - RULES

12

(d) No subdivision or development shall take place within any (V) Area which does not comply with an Outline Development Plan in respect of that (V) Area approved by the Council pursuant to the preceding rule.

ix Nature and Scale of Activities

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

x Density (Jacks Point zone – Village Activity Areas)

(a) No development shall take place within any Jacks Point Village Activity Area (V(JP) Activity Area) identified on Structure Plan 1 . Jacks Point Zone which does not comply with the following standards:

- (i) building coverage across the whole V(JP) Activity Area shall not exceed 60%;
- (ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;
- (iii) A minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.

~~(b) No development shall take place within any Henley Downs Village Activity Area (V(HD) Activity Area) identified on Structure Plan 2 . Jacks Point Zone which does not comply with the following standards:~~

- ~~(i) building coverage across the whole V(HD) Activity Area shall not exceed 60%;~~
- ~~(ii) a minimum of 1/3 (by floor area) of the 60% building coverage shall be used for residential living;~~
- ~~(iii) a minimum of 1/6 (by floor area) of the 60% building coverage shall be used for commercial purposes.~~

xi Building Height (Lodge Activity Area – Jacks Point Zone)

In the Lodge Activity Area of the Jacks Point Zone, any building between 5 metres and 7.5 metres in height with the exercise of Council's discretion being limited to height.

12.2.5.2 Zone Standards

i Residential Units

- (a) In the Millbrook Resort Zone the maximum number of residential units permitted is 450. These units must be located in accordance with the Structure Plan, provided until such time as 27 golf holes are completed, only 300 residential units are permitted.
- (b) In the Waterfall Park Resort Zone the maximum number of residential units permitted is 100. The units must be located in accordance with the Structure Plan.
- (c) In the Jacks Point Zone (**excluding** the Homestead Bay area)
 - (i) Until such time as 18 golf holes are constructed, only 200 residential units and a 60 room lodge are permitted.
 - (ii) No residential dwelling may be occupied until 18 golf course holes have been constructed.
- (d) In the Homestead Bay area of the Jacks Point Zone, no residential units may be constructed until 80% of the freehold land within the Open Space - Foreshore Activity Area has been planted with native endemic species.

ii Building Height

- (a) In the Millbrook Resort Zone the maximum height of buildings shall be:
 - (i) Hotels, clubhouses, conference and theatre facilities restaurants, retail and residential buildings - 8m

RESORT ZONE - RULES

12

- (ii) Filming towers - 12m
- (iii) All other buildings and structures - 4m
- (b) In the Waterfall Park Resort Zone the maximum height of buildings shall be:
- (i) Accommodation, clubhouses, conference, theatre facilities restaurants, and residential buildings - 8m
- (ii) Filming towers, aerials, chimneys - 12m
- (iii) All other buildings and structures - 4m
- (c) In the Jacks Point Zone the maximum height of buildings shall be:
- (i) Village (V) Activity Areas 10m
- (ii) Non residential farm buildings 10m
- (iii) Residential (R) Activity Areas 8m
- (iv) Open Space/Vineyard (OS/V) Activity Area 8m
- (v) Farm Buildings and Craft (FBA) Activity Area 8m
- (vi) Lodge (L) Activity Areas 7.5m
- (vii) All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event). 4m

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

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

HS Activity Area		HS Activity Area	
Number	Datum (masl)	Number	Datum (masl)
HS ¹	372.0	HS ¹⁹	372.0
HS ²	381.0	HS ²⁰	377.2
HS ³	381.0	HS ²¹	372.5
HS ⁴	377.0	HS ²²	374.0
HS ⁵	388.0	HS ²³	371.5
HS ⁶	382.0	HS ²⁴	372.4
HS ⁷	379.0	HS ²⁵	373.0
HS ⁸	386.5	HS ²⁶	378.1
HS ⁹	389.0	HS ²⁷	388.0
HS ¹⁰	395.0	HS ²⁸	392.6
HS ¹¹	396.0	HS ²⁹	385.5
HS ¹²	393.0	HS ³⁰	395.9
HS ¹³	399.0	HS ³¹	393.7
HS ¹⁴	403.0	HS ³²	384.8
HS ¹⁵	404.0	HS ³³	385.8
HS ¹⁶	399.5	HS ³⁴	399.0
HS ¹⁷	394.5	HS ³⁵	405.0
HS ¹⁸	392.5	HS ³⁶	400.3

iii Jacks Point Zone – Homestead Bay

In the Jacks Point Zone . Homestead Bay Village Area the following limitations to development shall apply:

The building coverage within the Homestead Bay Village Area shall be a maximum of 21,500 m². Buildings shall be distributed across the whole village area, incorporating visual breaks, and avoiding any concentration in any one part of that area. The buildings shall provide a variety of living accommodation.

iv Glare

RESORT ZONE - RULES

12

- (a) All fixed lighting shall be directed away from adjacent roads and properties.
- (b) Any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.
- (c) No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.

v Servicing

- (a) All services are to be reticulated underground.
- (b) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

vi Site Coverage

- (a) In the Millbrook Resort, Jacks Point (excluding Homestead Bay) and Waterfall Park Resort Zones the maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. **Excludes** weirs, filming towers, bridges and roads and parking areas.
- (b) In the Homestead Bay area of the Jacks Point Zone (Structure Plan 3 - Jacks Point Zone) the maximum site coverage shall not exceed 2.5% of that area. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. Excludes weirs, filming towers, bridges, roads and parking areas.

vii Nature and Scale of Activities

Except within those areas of the Structure Plan identified as the Village Centre:

- (a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.

- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming activities in the Jacks Point Zone

viii Retail Sales

- (a) In the Waterfall Park Zone no goods shall be displayed, sold or offered for sale from a site **except**:
 - (i) goods grown, reared or produced on the site;
 - (ii) within those areas of the Structure Plan identified as the Village Centre.
- (b) In the Millbrook Resort Zone no goods or services shall be displayed, sold or offered for sale from a site **except**:
 - (i) goods grown, reared or produced on the site;
 - (ii) goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within those areas of the Structure Plan identified as Recreation Facilities.
 - (iii) Within those areas of the structure Plan identified as the Village Centre

ix Noise

- (a) In the Millbrook Resort and Jacks Point Zones sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within the Residencies Activities Areas shown on Figure 1 and the Structure Plans:

(i) daytime	(0800 to 2000 hrs)	50 dB $L_{Aeq}(15 \text{ min})$
(ii) night-time	(2000 to 0800 hrs)	40 dB $L_{Aeq}(15 \text{ min})$

RESORT ZONE - RULES

12

(iii) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}

(b) In the Waterfall Park Zone sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within this zone:

(i) daytime (0800 to 2000 hrs) 50 dB $L_{Aeq(15\ min)}$

(ii) night-time (2000 to 0800 hrs) 40 dB $L_{Aeq(15\ min)}$

(iii) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}

(c) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(d) The noise limits in (a) and (b) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.

(e) The noise limits in (a) and (b) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

x Fire Fighting

In the Millbrook Resort, Jacks Point and Waterfall Park Resort Zones a fire fighting reserve of water shall be maintained. The storage shall meet the Fire Service Code of Practice 1992.

xi Water Quality

In the Millbrook Resort and Waterfall Park Resort Zones activities shall be assessed as to their potential effects on the water quality of Mill Creek and Lake Hayes in terms of siltation and nutrient loading. No activity shall compromise the existing water quality or vegetation.

xii Refuse Management

All refuse shall be collected and disposed of to a Council approved landfill site. There shall be no landfill sites situated within the Zone.

xiii Atmospheric Emissions

(a) Within any premises in the Millbrook Resort, and Waterfall Park Resort Zones the best practicable means shall be adopted to minimise the emission of smoke, smell and other air pollutants from the premises and to render any air pollutant harmless and inoffensive.

(b) In the Millbrook Resort and Waterfall Park Resort Zones feature open fireplaces are permitted in the clubhouse and other communal buildings including bars and restaurants. There shall be no other solid fuel fires.

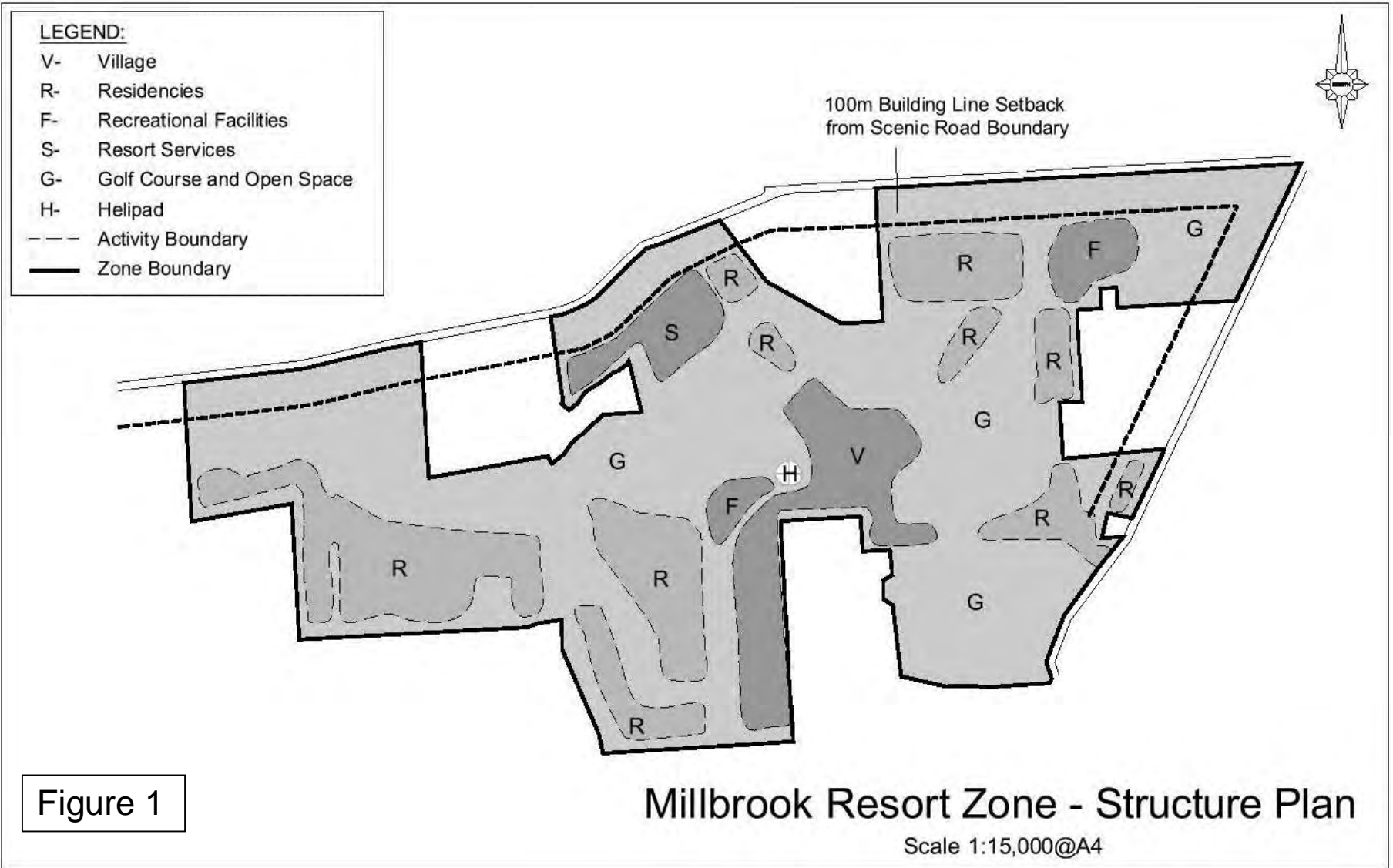
xiv Temporary and Permanent Storage of Vehicles

In the Jacks Point Zone, within the Tablelands Area (refer Structure Plan), but excluding the Homesite and Lodge Activity Areas (HS and L Activity Areas), there shall be no temporary or permanent siting of:

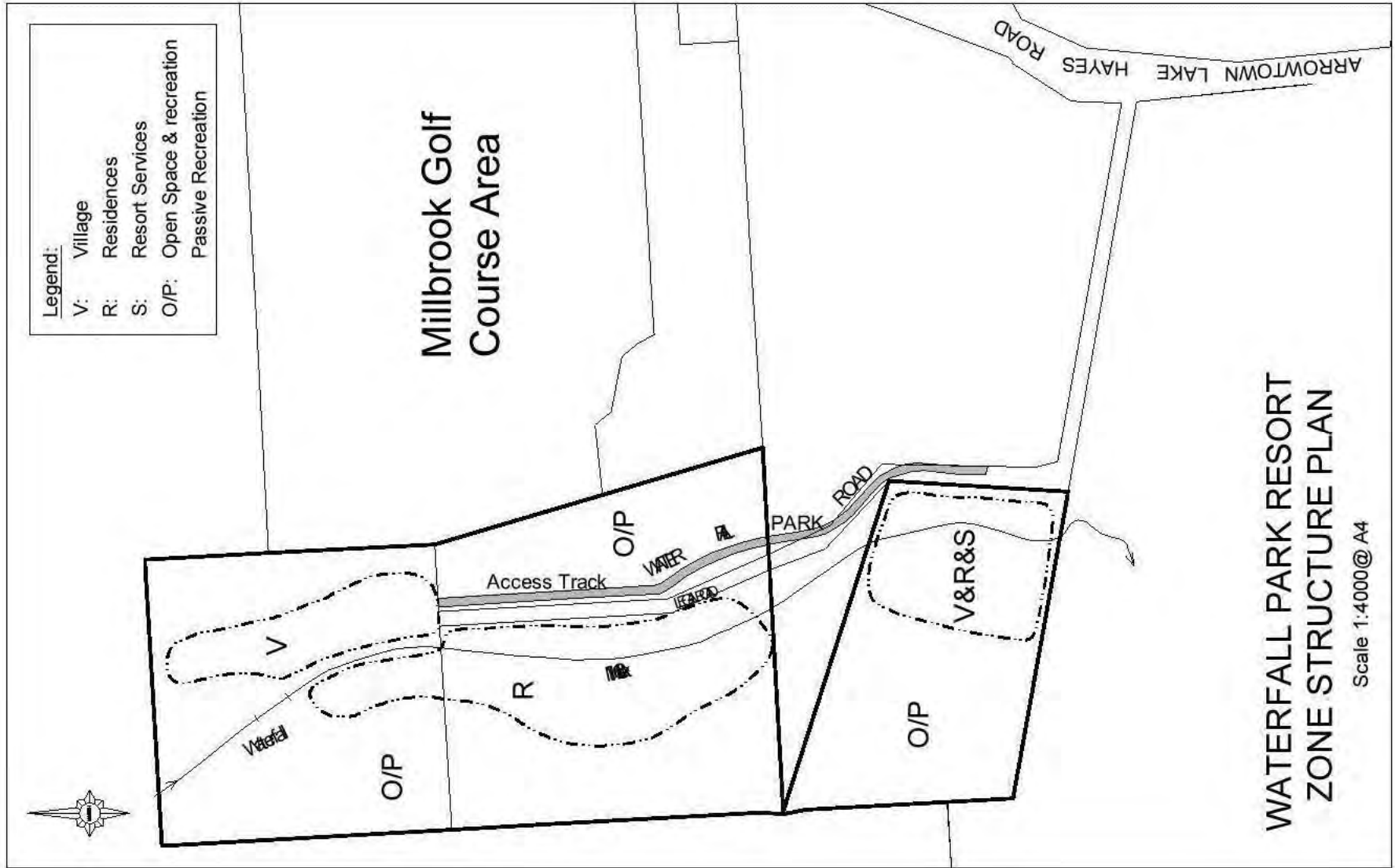
- Motor vehicles, trailers, caravans, boats or similar objects;
- Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and
- Scaffolding or similar construction materials.

Except for temporary filming towers erected during an event and for no more than 7 days either side of an event.

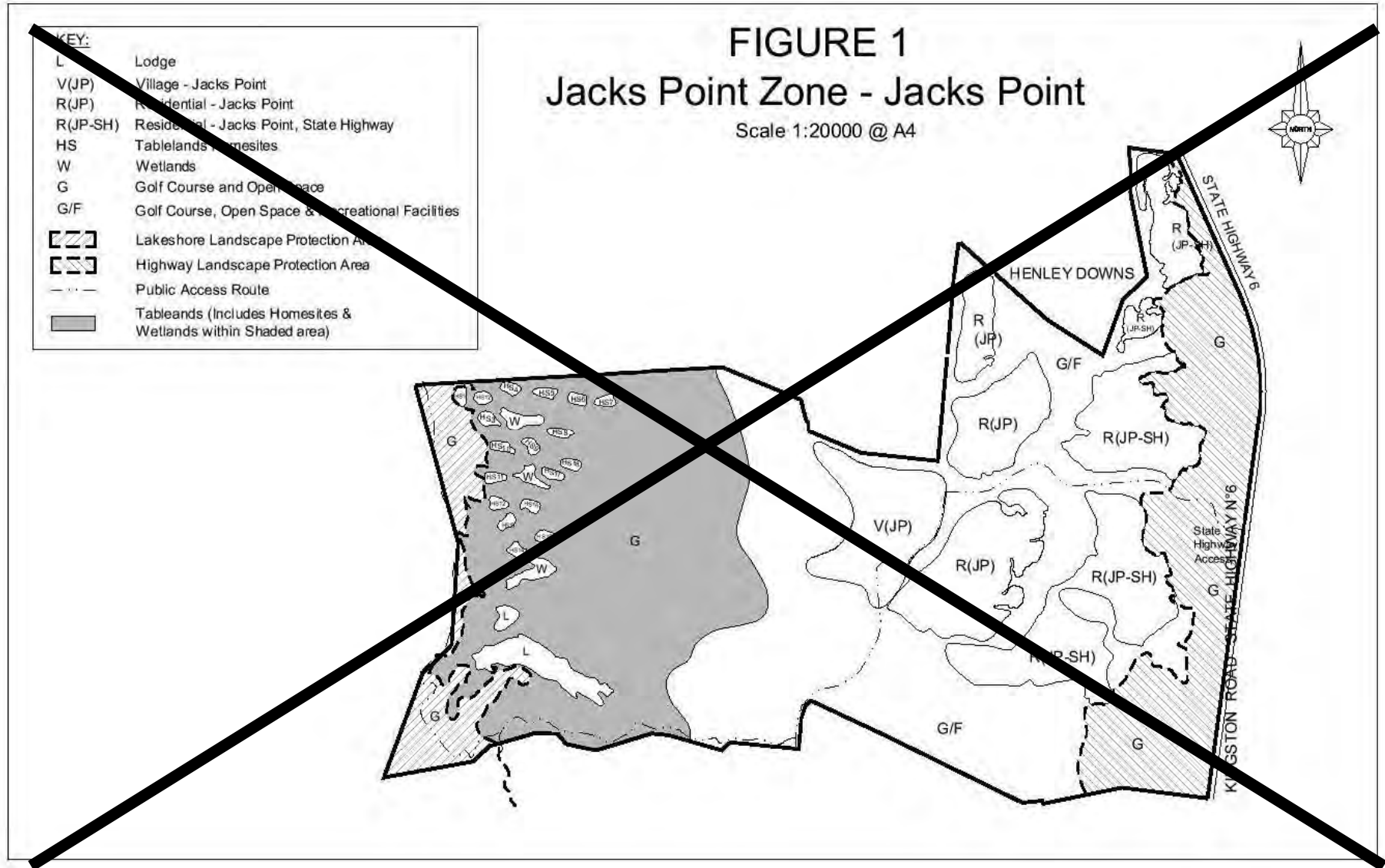
RESORT ZONE - RULES



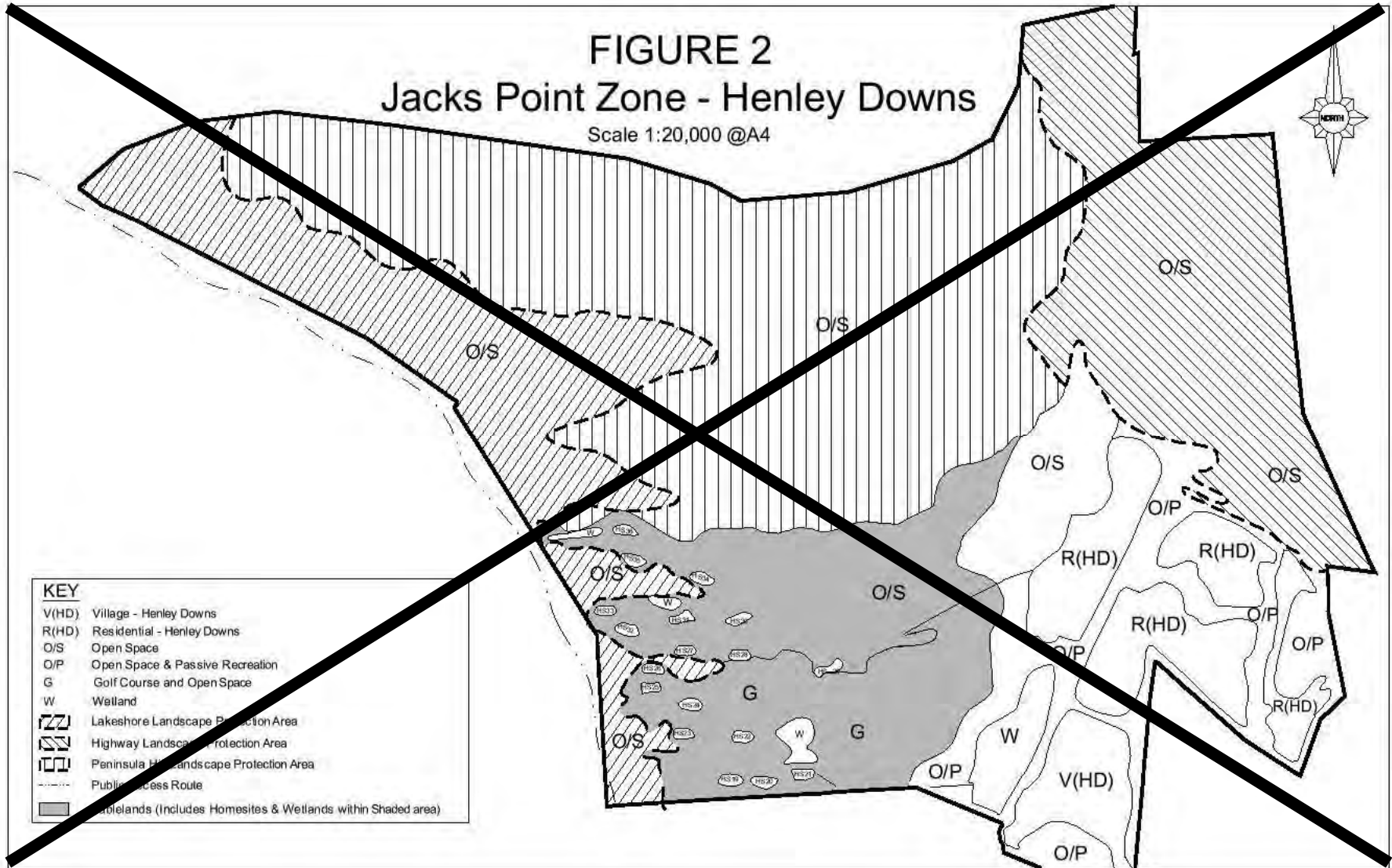
RESORT ZONE - RULES



RESORT ZONE - RULES

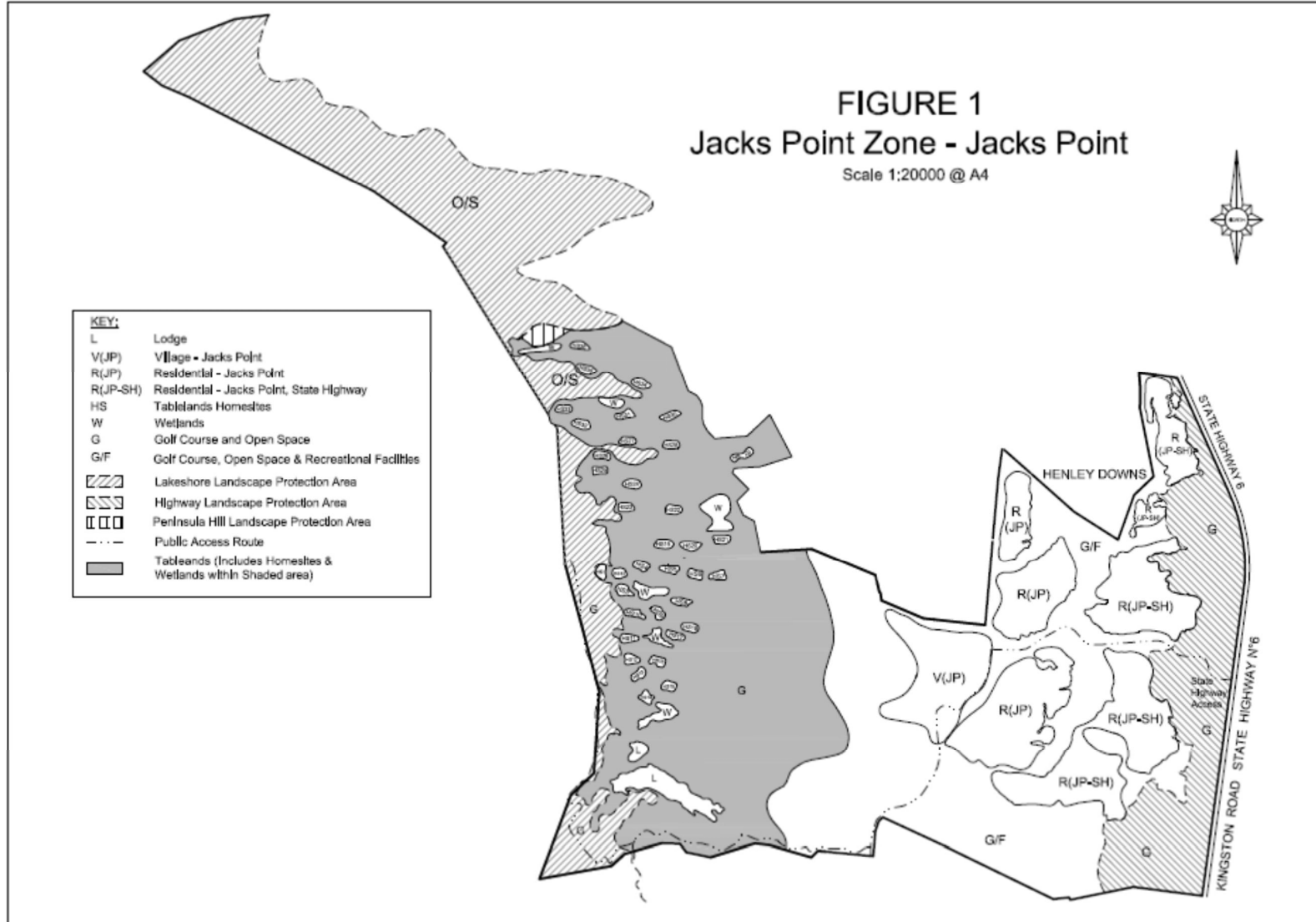


RESORT ZONE - RULES

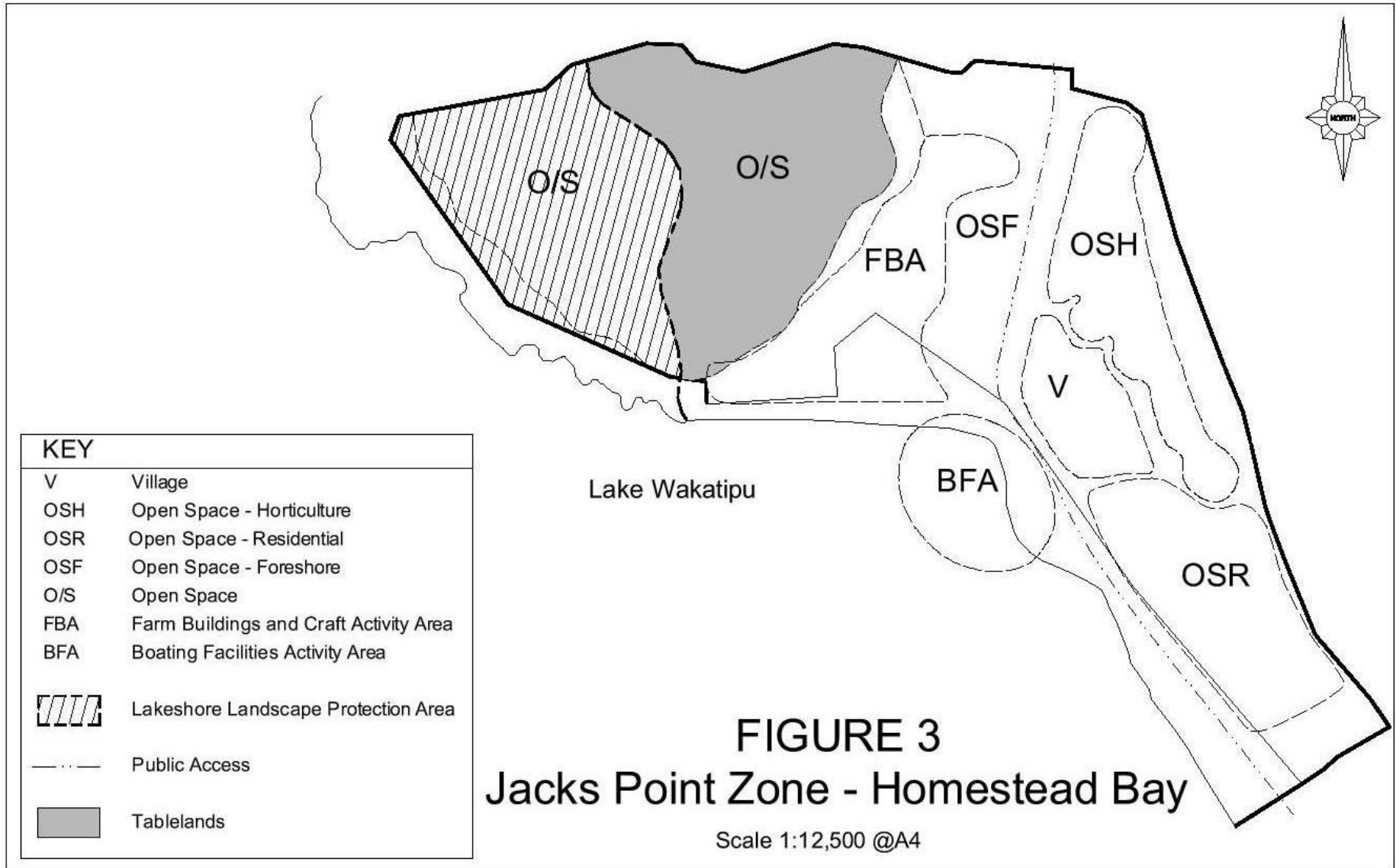


RESORT ZONE - RULES

New Structure Plan:



RESORT ZONE - RULES



RESORT ZONE - RULES

