



**QUEENSTOWN LAKES DISTRICT COUNCIL  
PLAN CHANGE HEARING COMMITTEE**

**PLANNER'S S 42A REPORT FOR  
PLAN CHANGE 44:  
Henley Downs Zone  
Queenstown**

**FOR HEARING COMMENCING:** 25 November 2013

**REPORT DATED:** 14 September 2013

**SUBMITTED BY:** Vicki Jones  
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District Council

**FOR AND ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

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## INTRODUCTION

This report has been written in accordance with Section 42A of the Resource Management Act 1991 (RMA). This report discusses the various issues raised by submitters and makes recommendations in relation to the issues raised, in order to assist the Commissioners in drafting the Council's decision.

This proposed plan change seeks to re-zone land from "Jacks Point Resort Zone" (JPRZ) to a new "Henley Downs Zone", which will enable more intense development of an expanded urban area whilst preserving the surrounding land for agricultural, conservation, and recreational purposes.

Although this report is intended as a stand-alone document, a more in-depth understanding can be obtained from reading the Section 32 report and associated documentation. These are available on the Council's website: [www.qldc.govt.nz](http://www.qldc.govt.nz).

The relevant provisions in the Queenstown Lakes District Plan which are affected by the notified plan change are:

- Part 12 (Special Zones) by adding a Henley Downs Zone to this section.
- Part 15 (Subdivision) by adding new rules and assessment matters for the Henley Downs zone.
- Part 18 (Signs) by applying certain rules to the Henley Downs Zone

This report suggests that amendment to Parts 14 (Transport) and 16 (Hazardous substances) may also be necessary.

## EXECUTIVE SUMMARY

Having considered the various issues raised in submissions, in summary it is recommended that:

- The operative zoning of the site (being the Jacks Point (Henley Downs) Resort Zone) be retained.
- The Structure Plan be amended to:
  - Expand the urban activity areas beyond the operative boundaries (but to a lesser extent than in the notified version) and distinguish between the truly urban parts of the Urban Activity Area (R) and those that will be developed as 'rural living' (RL) environments.
  - Introduce a new mixed use area (MU/G), where the majority of non-residential and medium density housing should locate (i.e. rather than providing little direction as to where this activity should locate).
  - Include areas of open space (O/P) through the notified urban area and an indicative open space corridor either side of the main road.
  - Show the main road clearly and clarify that it and the connection points are indicative in terms of exact location but must be incrementally developed with each Outline Development Plan and, at a certain trigger, the connections must be made
  - Zone all that land outside the urban activity area as open space (with sub-sets as per the operative zone).
  - Add a resort services area to the Structure Plan (location and size yet to be determined).
  - Include Areas H and L as 'homesites'.

- A significant number of site-specific provisions be added to the JPRZ, which will be specific to the Henley Downs part of that zone. These amendments are fairly wide-spanning but the most significant of these aim to:
  - Enable a greater density than the operative zone allows and require these densities to be achieved within the various (R and MU) areas and maximum densities that are enabled in the RL areas.
  - Control density by including it as a new matter of discretion at the ODP stage, rather than through a density master plan process.
  - Ensure a greater level of control over the quality of urban design, through making the Outline Development Plan a discretionary activity in the Henley Downs part of the JPRZ (rather than controlled activity as in the operative zone); adding further matters of discretion; and making any non-compliance with an Outline Development Plan or the Structure Plan a non-complying activity (rather than discretionary). There are also a number of new and/ or amended rules which aim to achieve better outcomes and to improve administration/ interpretation.
  - Improve control over subdivision of the open space area by making it non-complying, unless it is for the express purpose of enabling an approved landuse.
  - Enable some non-residential uses and medium density beyond the mixed use area (MU/G) but only to a very limited extent and in a well-managed manner; through policies and rules which aim to distribute the various uses logically and limit the scale thereof.
  - Improve control over the clearance of indigenous vegetation and wilding spread.
  - Potentially avoid the need for guidelines in the Henley Downs part of the JPRZ by including more bulk and location standards and assessment matters within the District Plan itself, which are relatively consistent with the Jacks Point guidelines. .
  - Provide more control over screening of areas A and B, than would be provided for in the operative JPRZ.
  - Provide more control over the biodiversity management and restoration of the wetland and other areas, than under the operative Zone.

It is noted that these recommendations are made in the absence of hearing any of the detailed evidence presented on behalf of submitters and that, upon hearing such evidence, it is possible that they may change.

## **THE PROPOSED PLAN CHANGE**

This Plan Change has been privately requested by the landowner<sup>1</sup> and seeks the re-zoning of approximately 520 hectares from 'JPRZ' to a new 'Henley Downs Zone'.

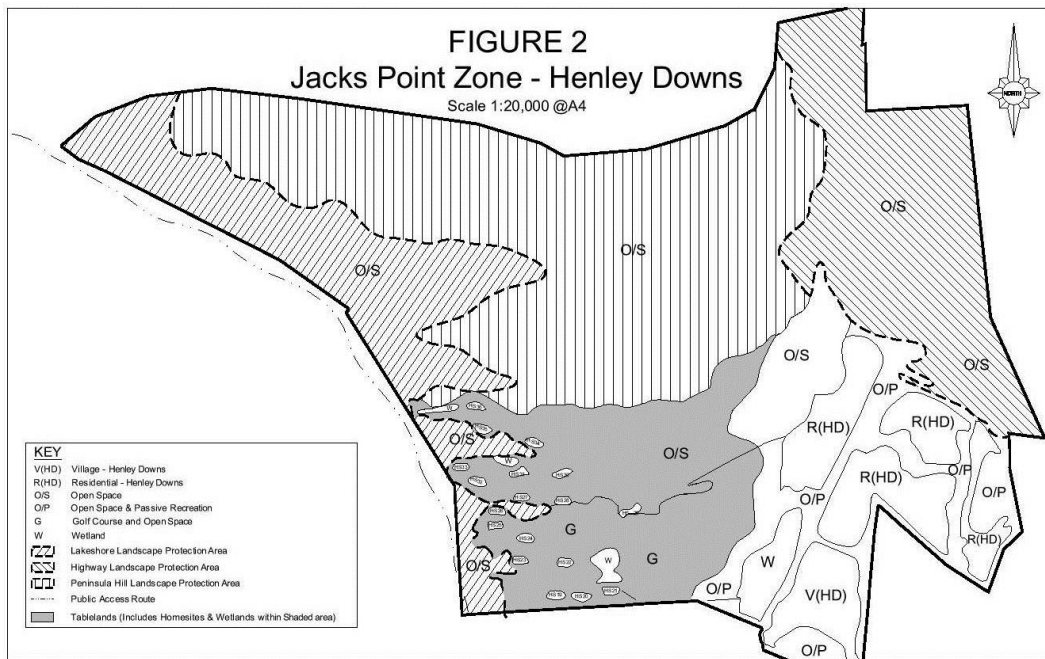
The general location and extent of the requested zoning is shown on the map below:

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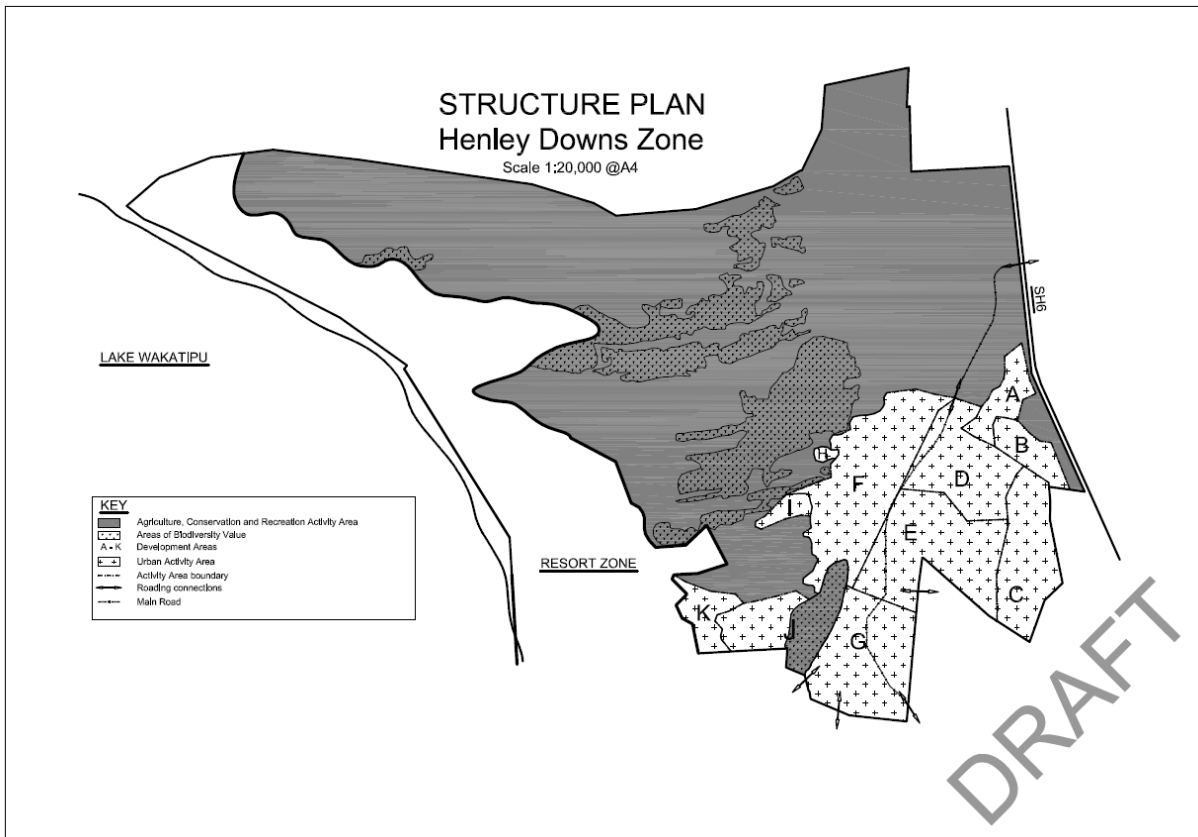
<sup>1</sup> Being RCL Queenstown Pty Ltd and hereafter referred to as the 'requestor'



Below is the existing Structure Plan for this area, which is proposed to be deleted:



Below is the Structure Plan for this area, as notified, (noting that the area adjacent to the lake is intended to be retained within the JPRZ):



In summary the key features of the plan change request are:

1. To enable (but not require) significantly denser residential development by replacing the rule requiring an average density of 10-12 ha to be achieved with a rule specifying maximum dwelling numbers (which equate to maximum gross densities of 15 - 18 units/ ha in the residential areas and 35/ ha in the higher density area (G)).
2. To expand the urban activity areas beyond those shown in the operative Jacks Point (Henley Downs) Structure Plan into areas that are currently zoned as “open space” or “golf”.
3. To remove the requirement to retain open space corridors between the individual residential nodes/ pods.
4. To remove the mandatory requirement for commercial activity within the village area and, instead, enable commercial and other non-residential activities to establish throughout the zone as a discretionary activity, provided the effects can be managed.
5. To enable a road entrance/exit into the settlement from State Highway 6 via Woolshed Road that would connect through to Jacks Point.
6. To enable more comprehensive assessment at an early stage by making the Outline Development Plan process a restricted discretionary activity (with extensive assessment matters) rather than the current controlled activity status.
7. To reduce overall resource consent/ compliance costs by removing the need to obtain a controlled resource consent for all buildings with design-based standards which, if met, make dwellings permitted (up to 3 units in any one development/ application).

8. To replace the existing “Open Space” and “Golf” activity areas with an “Agriculture, Conservation, and Recreation Area” (“ACRAA”) and making buildings within this area discretionary, supported by various policies. Under the operative open space zoning, most buildings are non complying.
9. To increase the level of design control over multi-unit developments (i.e. comprising over 3 units) in order to achieve a higher level of amenity and quality.
10. To require residential building platforms on the most sensitive parts of the proposed urban activity area in order to mitigate adverse effects of development.
11. To encourage restoration of the wetland.

## **BACKGROUND**

### **RELATIONSHIP TO OTHER DOCUMENTS**

The reports and plan changes referred to below can all be viewed on the council’s website: <http://www.qldc.govt.nz/planning>

#### **Council strategies and plans**

The following strategies and plans are discussed briefly in chronological order simply to provide an overview of the planning context. In respect of infrastructure, trails, and housing, you are also referred to the comments later in this section, in relation to the Stakeholders Deed.

#### Tomorrow’s Queenstown (2002)

The ‘Tomorrow’s Queenstown’ document resulted from a series of community workshops in order to provide a community vision, strategic goals and priorities for the next ten to twenty years. The key strategic goals developed to achieve the vision of Tomorrow’s Queenstown are:

- Managing growth in a way which is sustainable
- Respecting our landscape and natural environments
- Building our community
- Improving access and transport networks
- Creating quality urban environments
- Providing infrastructure for a growing population
- Growing the strength of our economy

The extent to which this Plan Change aligns with/ contributes to these goals is explored through the discussion of the issues in this report.

#### Asset Management Plans (2003 – 2006)

Asset Management Plans (AMPs) map out the long term management of the physical assets/ services owned and operated by the Council. This Plan Change raises no significant issues with regard to the AMPs relating to water, wastewater, stormwater, parks and reserves, and roading.

#### Wakatipu Trails Strategy (2004)



The purpose of the Wakatipu Trails Strategy (“Trails Strategy”) is to guide development of an integrated network of walking and cycle tracks within the Wakatipu Basin. You are also referred to the S 32 report.

#### Housing Our People in Our Environment Strategy (2005)

The Housing Our People in Our Environment Strategy (“HOPE Strategy”) relates to increasing the supply of affordable and community housing. The HOPE Strategy was revised in 2007 as a result of Plan Change 24: Affordable and Community Housing to incorporate a set of Guidelines. The HOPE Strategy is the Council’s primary guiding document in relation to Affordable and Community Housing. The overall goal of this strategy is:

*“to increase access to quality, affordable housing that is integrated into the community so as to support the community’s outcomes related to the sustainable economic, social and environmental development of the QLDC area”.*

#### Growth Management Strategy (2007) (GMS)

The key principles of the GMS direct that growth should be located in appropriate places and that it should provide a range of opportunities to meet current and future needs.

At a high level, the GMS aims to achieve managed growth (rather than no growth or unlimited growth) and, notably, states that growth is:

*To be accommodated mainly in the two urban centres (Queenstown/ Frankton and Wanaka), and existing special zones outside of these centres.*

And that:

*Greenfields development (should occur) within the defined growth boundaries of the two main urban settlements (Queenstown and Wanaka), such as the Frankton Flats, is to be carefully managed to ensure that land is to effectively balance the full range of desired community outcomes, and that a mix of activities can be accommodated. This includes encouraging a higher density form of development.*

#### Wakatipu Transportation Strategy (2007)

The Wakatipu Transportation Strategy (WTS) was established to respond to the sustained growth in landuse development and growth in resident and visitor numbers. The WTS seeks to deliver a fully integrated transport system that meets the growth in travel demand.

The WTS includes two key components which are of particular relevance; one being to enhance passenger transport and the other being the introduction of travel demand management measures. Network improvements of relevance to this Plan Change are the Kawarau Bridge upgrade and the establishment of a new/ upgraded access onto State Highway 6.

#### Long Term Council Community Plan (2012-2022)

The Long Term Council Community Plan (CCP) specifies the key community outcomes and provides a coordinated response to growth issues over a 10 year period. The proposed plan change, if it is adopted, will have an influence on all of the key community outcomes identified in the CCP.

#### Queenstown Lakes District Urban Design Strategy (2009)

The Queenstown Lakes Urban Design Strategy (2009) (“UDS”) provides guidance for the future of Council’s urban design practice. The UDS identifies 6 key urban design goals that represent the community’s aspirations for its urban environments:

1. *Distinctive built form – creating neighbourhoods that reflect their people, culture and history;*
2. *High quality public places – that complement the appeal of the natural setting and foster economic vitality and community well-being;*
3. *Consolidated growth – within urban boundaries with walkable, mixed use neighbourhoods that help reduce travel time and urban sprawl;*
4. *Connected urban form – ensuring people have clear options of transport mode that are convenient, efficient and affordable;*
5. *Sustainable urban environments – where the natural environment, land uses and transport network combine towards a healthier environment for everyone;*
6. *Cohesive communities – where the urban environment promotes a stronger sense of local community by encouraging participation in public life.*

## **Other relevant documents**

### Variation 16 on the JPRZ

Variation 16 resulted in the JPRZ. The Henley Downs Zone was included in this Zone by way of a submission, at which stage more work was undertaken to provide more S 32 analysis in respect of the Henley Downs land. The variation decision is attached to the S 32 report as Appendix P.

### Coneburn Study (2002)

The Coneburn Study is a landscape-based assessment of the wider Coneburn landscape unit, which was developed as part of the Variation 16 Section 32 process. This is attached to the Section 32 report as Appendix E. This Study included detailed visibility analysis which informed the location of the residential areas and various open space areas (that exist in the operative Structure Plans) and, along with the Stakeholders Deed, informed the guidelines that have been produced thus far for the various parts of the zone.

### The Jacks Point Stakeholders Deed (2003)

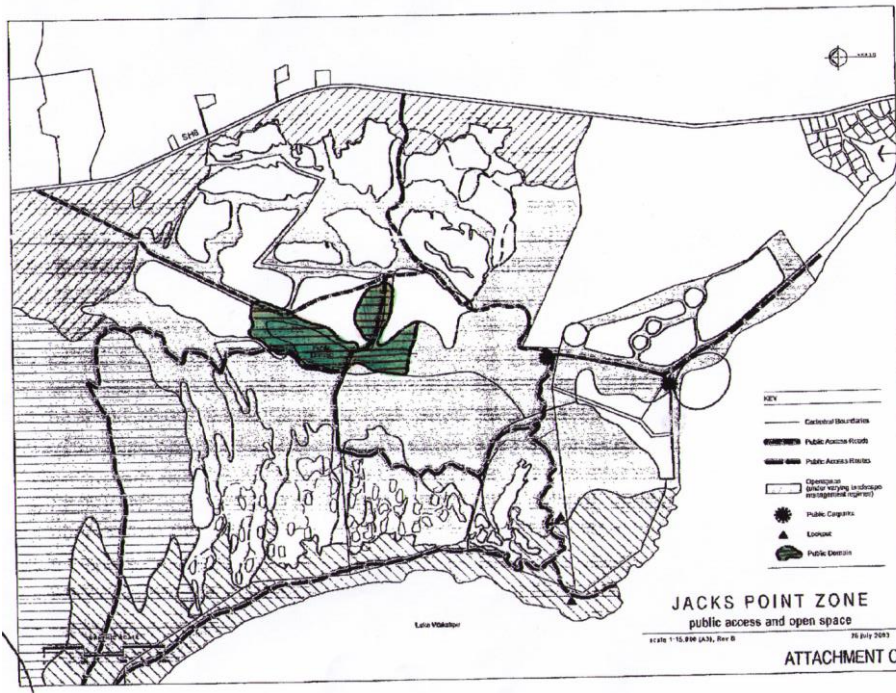
The Stakeholders Deed is attached to the Section 32 report as part of Appendix P (although it is noted that not all appendices are included). The Deed, which is signed by all landowners and the Queenstown Lakes District Council (QLDC), commits the signatories and their successors to a raft of matters including, most relevantly that:

- Development shall comply with the development controls<sup>2</sup> outlined therein (through covenants on titles prior to development) which relate to:
- Urban design settlement principles;
- The (‘soft’) design of infrastructure and the on-site/ private/ self-funded nature of that infrastructure;
- Site development and landscape controls (relating to matters such as plant species; and maintaining natural features, drainage patterns, and topography);
- A requirement to formulate building design controls and subject all buildings to a design review board process
- Development/ subdivision may not proceed prior to design guidelines having been established for the area
- Public access shall be provided prior to development and generally be as shown on the Structure Plan attached to the Deed

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<sup>2</sup> These can be amended by agreement

- A community housing contribution be made
- The public domain (shown in green/ with horizontal lines below) shall be generally in the area shown and a concept plan for this provided at the time the Outline Development Plan for either Village is lodged



The following statement is included in the District Plan under the “Explanation and Principal Reasons for Adoption” of the JPRZ:

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

Clearly, this Deed provides significant control over development outside of the RMA process. Commissioners should familiarise themselves with the document and consider how well the plan change aligns or conflicts with its content and the relevance of the Deed to this plan change process.

## **A SUMMARY OF THE SUBMISSIONS RECEIVED AND THE ISSUES RAISED**

A total of 25 original submissions and 7 further submissions were received (there were no late submissions). The submitters are listed below, noting that those with an ‘asterisk’ also made further submissions and those with a ‘plus sign’ made a further submission but not an original submission:

- Hannah and Joshua Clowes
- Jacks Point Residents and Owners Association Incorporated
- Peter Knox and Julie Horwood
- Lakeside Estates Home Owners Assoc. Inc.
- New Zealand Transport Agency (NZTA)
- Otago Regional Council (ORC)\*
- John and Susan Pritchard

- Queenstown and District Historical Society Inc.
- Queenstown Lakes District Council (QLDC)
- Schrantz, Alexander and Jane
- Skydive Queenstown Ltd
- The Southern District Health Board/ Public Health South (SDHB)\*
- Triumph Trust
- Wakatipu Wilding Conifer Control Group
- Henley Downs Farm Holdings Ltd
- Henley Downs Farm Ltd
- Henley Downs Land Holdings Ltd
- Zante Holdings Ltd
- Remarkables Park Ltd and Shotover Park Ltd (RPL)\*
- Grant Hensman
- Pure 1 Ltd
- Scope Resources Ltd\*
- Delta Investments Ltd\*
- Fong Tablelands Ltd
- RCL Queenstown Pty Ltd (RCL)
- Jacks Point Management Ltd+
- Tom and Justine Bamber+

Over ninety individual decisions have been requested through the original submissions, and generally each of these relates to multiple issues or concerns. The Summary of Decisions Requested is attached as **Appendix A** to this report.

## Scope

In terms of scope, as well as a large number of specific decisions requested, 6 submitters sought that the plan change be rejected or declined in its entirety. Rather than discussing these in a separate section, these are discussed in the context of the various issues that they raise in their submissions. It is understood that the very existence of these general, all-encompassing submissions seeking that the Plan Change be declined provide the scope to amend the Plan Change significantly provided the resultant zoning and what it allows sits somewhere between the operative zoning and that which was requested by the requestor and by other submissions.

A number of submissions have specifically sought that the area remains in the JPRZ (with or without amendment). As such, this report first considers whether retaining the JPRZ with amendment would be a better mechanism for achieving an appropriate outcome for the site. Then, the substantive issues raised by submitters are considered and recommendations made as to how the notified provisions should be amended in response to those submissions. This means that the recommendations throughout the report propose changes to the notified zone whereas **Appendix B** proposes the alternative (and preferred) option of amending the JPRZ provisions in order to give effect to the proposed plan change.

## REPORT FORMAT

The Resource Management Act (the Act), as amended in October 2009 no longer requires this report or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions. As such, this report considers the various decisions requested by submitters, grouped under the following issues:

- The appropriateness of a new Special Zone and, if so, the appropriate name for this zone
- Consistency with Part II of the RMA and the objectives and policies of the District Plan.
- Efficiency and effectiveness
- Residential density
- Ensuring integration with the balance JPRZ
- Residential amenity
- Open space
- Non-Residential Activities within the Zone
- The quality/ clarity of the proposed provisions
- The Agriculture Conservation and Recreation Activity Area (ACRAA )
- Effects on landscape values within the notified Urban Activity Area and the appropriateness of the proposed urban boundaries
- The protection of ecological values and indigenous vegetation, including the control of wilding species
- Effects on infrastructure
- Natural hazards
- Reverse sensitivity
- Transport/ traffic/ walking and cycling
- Zoning amendments beyond the Henley Downs Zone

For each issue the report is generally structured as follows:

- The Issue and decisions requested in relation to it
- Discussion
- Recommendations and Reasons

In order for this Section 42A report to provide informed recommendations in relation to the points raised in submissions, further urban design advice has been obtained from Council's urban designer, Mr Tim Williams, and landscape advice from Dr Marion Read. These reports are attached as **Appendix D** and **Appendix E**, respectively.

## **DISCUSSION OF THE ISSUES RAISED BY SUBMITTERS**

### **1. THE APPROPRIATENESS OF A NEW SPECIAL ZONE AND THE APPROPRIATE NAME FOR THAT ZONE/ SUB-ZONE**

#### **The Issues and Decisions Requested**

The QLDC has submitted that the operative Resort zoning should be retained and altered rather than adding a separate special zone to the District Plan or, that if a separate zone is deemed necessary, it should sit in the Residential section of the District Plan, similar to the Residential Arrowtown Historic Management Zone. This is partly supported by one submitter.

Also the Queenstown and District Historical Society Inc. submitted that the name Henley Downs is, in fact, incorrect, and that it should be Hanley Downs to reflect the accurate spelling of the farmer of the area in the 1800's; Mr Jack Hanley.

#### **Discussion**

It is considered highly inefficient to continue to add new “special zones” that apply only to one site. This is particularly so when the site is immediately adjacent to a zone that has a very similar (if not identical) purpose/ overarching objective and where that zone seems to be operating relatively effectively and efficiently. Furthermore, in the case of the JPRZ, the amendments that are needed to improve the zone are well understood and can easily be addressed in a site-specific manner for the Henley Downs subset of the Zone, through this plan change<sup>3</sup>.

Pages 25 - 26 of the Section 32 report consider the pros and cons of these two options; albeit at a high level. That discussion states that revising the JPRZ would have the disadvantages of adding to the complexity of the plan change; bringing in many more landowner issues; and failing to recognise and provide for the different opportunities afforded by the different characteristics of the Henley Downs Zone, including the fact that it is undeveloped. To the contrary, it states that creating a new zone would have the advantage of allowing for site specific objectives, policies, rules and assessment matters; resulting in higher standards of urban design; and enabling flexibility (through undertaking the more detailed planning at the Outline Development Plan stage rather than the Structure Plan/ plan change stage). The Section 32 report acknowledges the fact that adding a new zone will lengthen the District Plan and that retaining the land in the JPRZ may result in better integration.

With respect and in response to those points made in the s 32 Report it is considered that:

- The Jacks Point (Henley Downs) Resort Zone can be amended without affecting the JPRZ itself in anyway or bringing in any more landowners in that any new provisions would be prefaced with the words, “in the Jacks Point (Henley Downs) Zone...”, just as is already the case in relation to Homestead Bay (e.g. Zone standard 12.2.5.2(i)(d))
- Amendments to the JPRZ that apply only to the Henley Downs part of the zone can easily acknowledge and provide for the different site characteristics of the Henley Downs land (such as the fact it is flatter).
- The higher standards of urban design can still be required by making Outline Development Plans in the Henley Downs part of the Zone a restricted discretionary activity (rather than controlled as in the balance of the Zone) and by including those guidelines/ standards from Jacks Point that are considered essential within the District Plan and excluding those that are irrelevant to the Henley Downs area, if any.

You are also referred to Issue 9 of this report and Dr Read’s report which conclude a) that the open space areas of the JPRZ provide adequate protection against inappropriate development and impose effective controls on landscaping in those areas and b) that the Jacks Point rules relating to indigenous vegetation and biodiversity are superior to those in the notified Plan Change. It is noted that through amendments to the open space and indigenous vegetation provisions (as recommended later in this report) controls can be further improved.

Significant efficiencies can be achieved by not creating yet another special zone, which introduces potential new issues, duplication, and omissions. By expanding on the existing framework, the growing intellectual property and caselaw around its administration and interpretation should add further to the efficiency of this option over time.

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<sup>3</sup> The Council also intends to review the JPRZ in due course (as part of the District Plan review), which may result in some of the provisions adopted through this process for the Jacks Point (Henley Downs) Zone also being applied to the balance of the JPRZ.

Unless the requestor or some other party has information to the contrary regarding the correct spelling of Henley Downs (assuming the zoning is, in fact, meant to relate to the man who once farmed the land), then it seems sensible to change the name of this part of the JPRZ to “Hanley Downs”.

### **Recommendations and Reasons**

In order to improve efficiency, whilst improving the effectiveness of the provisions relating to the Henley Downs area it is recommended that:

- The subject land should remain within the JPRZ but with site-specific provisions added to that zone, including those from the notified Plan Change that are deemed to add value and those amendments that are subsequently recommended through this report. A draft amended Part 12 (Resort Zone) including all such amendments is attached to this report as Appendix B.

In order to accurately reflect the history of the land, it is recommended that:

- The name of this part of the JPRZ be changed to “Hanley Downs”; to reflect the accurate spelling of the man who farmed the land in the 19th century.

Whilst the recommendations included in the body of this report propose amendments to the notified Henley Downs Zone provisions (in direct response to the submissions), an amended version of the Resort Zone provisions (JPRZ) is attached as Appendix B. The amendments in Appendix B essentially reflect the recommendations made in this report but illustrate how the amendments can be integrated into the existing zone framework rather than introducing an entirely new zone.

## **2. CONSISTENCY WITH PART II OF THE RMA AND THE OBJECTIVES AND POLICIES OF THE DISTRICT PLAN**

### **The issues and Decisions Requested**

Five original submitters<sup>4</sup> seek that the plan change be declined in its entirety on the basis that, amongst other things; it is contrary to Part II/ the Purpose and Principles of the Act; will not promote sustainable resource management; and will not avoid, remedy, or mitigate adverse environmental effects.

Fong Tablelands Ltd also submits that the plan change is not supported by the district-wide objectives and policies of the District Plan and that, from a process perspective, it is premature to consider the plan change in isolation of the forthcoming review of the District Plan.

RPL also submits that due to the lack of clarity and precision in the plan change, it is difficult to assess whether the plan change accords with the purpose of the Act or implements the operative objectives and policies of the District Plan.

### **Discussion**

The Act set out that its purpose is to promote the sustainable management of natural and physical resources. It follows that this is also the over-arching purpose of those who are exercising functions under it, such as the Council. The Act goes on to require that in achieving this purpose, such ‘persons’:

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<sup>4</sup> I.e. Triumph Trust, and Fong Tablelands Ltd, Grant Hensman, Pure 1 Ltd, Scope Resources Ltd.

- Must consider various matters of national importance which, relevantly, include the preservation of the natural character of wetlands and protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development and the maintenance and enhancement of public access to and along lakes; and
- Shall have particular regard to other matters which, relevantly, include the efficient use and development of natural and physical resources, the efficiency of the end use of energy, the maintenance and enhancement of amenity values, intrinsic values of ecosystems, and the maintenance and enhancement of the quality of the environment.

The Act defines **sustainable management** as meaning:

*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 the purpose of this plan change is not contrary to the purpose of the Act. With the amendments (or similar) that are recommended in this report, a change to the zoning/ provisions of the subject land will enable development within the Henley Downs area to better promote and contribute to the sustainable management of natural and physical resources within the district. The recommendations outlined in this report aim to find a balance between achieving efficient intensification within the urban growth boundary<sup>5</sup> whilst ensuring that the values associated with the existing wetland, the landscapes, intrinsic values ecosystems, public access, amenity values, and the quality of the environment are maintained and enhanced.

The most relevant **operative objectives and policies** (that apply district-wide and to the JPRZ) are listed in **Appendix C** to this report, along with an assessment of how well the notified plan change and amended plan change (as recommended in this report) implement the objectives and policies. In summary, it is considered that on balance the plan change is generally consistent with the operative objectives and policies of the District Plan but that its ability to contribute toward those objectives could be improved through some careful amendment.

With regard to **process**, it has been questioned whether it is premature to consider the plan change in isolation of the forthcoming review of the District Plan. Whilst the timing is not ideal, there is considerable uncertainty around the timing and extent of the District Plan review and, regardless of that, the Act specifically provides the opportunity for private plan changes to be requested and considered on their merits. What is perhaps relevant is that the pending District Plan Review further supports the option of amending the JPRZ to achieve the purpose of the plan change rather than creating a whole new zone.

## **Recommendations and Reasons**

It is recommended that the plan change be amended in accordance with recommendations contained in this report in order to ensure that it is consistent with and

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<sup>5</sup> Refer QLDC Growth Management Strategy (2006)



will contribute to the purpose and principles of the Act and to better achieve the operative objectives and policies of the District Plan.

### **3. EFFICIENCY AND EFFECTIVENESS**

#### **The Issues and Decisions Requested**

The two identical submissions (from Henley Downs Farm Ltd and Henley Downs Land Holdings Ltd) that raise this issue support the plan change but request that the Structure Plan be refined to enable the most efficient use of the land for the range of activities anticipated by the plan change. The submitters also mention a need for consistency with the Coneburn Study and any subsequent studies but it is unclear what they are specifically seeking. It is strongly suggested that the submitters provide this further information at the hearing. A submission from Peter Knox and Julie Harwood also raises the efficiency-related issue of whether there is any need for the additional housing being provided.

#### **Discussion**

Until Henley Downs Farm and Henley Downs Land Holdings clarify the nature of the relief they are requesting (e.g. whether they are seeking greater density, further expansion of the urban activity area, more development rights within the ACRAA), it is not useful to provide any further discussion on this matter.

With regard to the issue of whether there is a need for the further housing supply being proposed, it is concluded that there is no housing/ land shortage that necessarily needs to be rectified through, for example, increasing supply at Jacks Point. Pg. 19 of the S 32 report accepts this but this needs to be seen in context of the efficiencies of consolidating development within urban growth boundaries (i.e. in those areas of the district that can be serviced efficiently and can absorb development without significant adverse effects and, ultimately, with some positive effects). So, whilst the submission certainly raises a valid point, it is noted that the Act does not require a plan change to be tested against whether it is, in fact, 'necessary' but, rather, whether it is efficient and effective. In this case, it appears that the additional dwelling capacity proposed can be efficiently serviced and that, as an existing urban area, it is not necessarily opening up development on yet another 'front', which is often where over-supply issues do raise inefficiency issues. If the commissioners felt it was warranted, staging of the development could be regulated through District Plan provisions in order to ensure a logical pattern of development.

#### **Recommendations and Reasons**

It is recommended that:

- Given the comments above, no recommendation is able to be made in relation to the over-arching Henley Downs Farm Ltd and Henley Downs Land Holdings Ltd submissions, at this time.
- The density enabled through the plan change is reduced (as outlined in subsequent sections of this report) however, this is on the basis of appropriateness rather than because of the lack of any 'need' for the additional housing, now or in the future.

### **4. RESIDENTIAL DENSITY**

#### **The Issues and Decisions Requested**

The issues raised in submissions relate to:

- Whether the maximum density for Area J<sup>6</sup> should be reduced given its visual prominence, to a density more akin to Area K<sup>7</sup>. Some submitters request that its density be reduced (or that it be included in the open space area) whilst RCL requests that the capacity of Area J remain at 100 dwellings but that less dense development is enabled on the more prominent slopes. This would essentially consolidate development (at an average of 1 dwelling per 642m<sup>2</sup>) on the lower land, adjacent to the wetland.
- Whether the proposed density will change the existing small town, high quality character of Jacks Point and have an adverse effect on the visual amenity of land within the JPRZ.
- Whether the notified density and urban footprint should be retained, decreased, or increased beyond that which was notified.
- Whether greater clarity should be provided in the objectives and policies around densities and where it is located, with densities expressed as dwellings per hectare that shall be achieved +/- x%.
- Whether the Density Master Plan step should be retained in the resource consent process, as per the Resort Zone for Jacks Point.

## Discussion

The following table (refer Pg. 69 of the S 32 report) summarises the maximum densities provided for by the notified Henley Down Zone:

| Development Area | Approximate Size | Max. No. of Residential Units | Max dwellings per hectare (gross) | Notes on form   |
|------------------|------------------|-------------------------------|-----------------------------------|---|
| A                | 5.5 ha           | 4                             | 0.7                               |   |
| B                | 5.5 ha           | 85                            | 15.5                              | 450 m2 Average lot size (assuming 30% is used for roads, reserves etc.) |
| C                | 17 ha            | 255                           | 15                                | 466 m2 Average lot size (assuming 30% is used for roads, reserves etc.) |
| D                | 18 ha            | 325                           | 18                                | 387 m2 Average lot size (assuming 30% is used for roads, reserves etc.) |
| E                | 25 ha            | 450                           | 18                                | 389 m2 Average lot size (assuming 30% is used for roads, reserves etc.) |
| F                | 30 ha            | 540                           | 18                                | 389 m2 Average lot size (assuming 30% is used for roads, reserves etc.) |

<sup>6</sup> Referred to as 'Area 7' in Ben Espie's landscape assessment attached to the notified Plan Change

<sup>7</sup> Which generally aligns to Area 8 in Ben Espie's landscape assessment attached to the notified Plan Change

| Development Area | Approximate Size | Max. No. of Residential Units | Max dwellings per hectare (gross) | Notes on form   |
|------------------|------------------|-------------------------------|-----------------------------------|---|
| G                | 23 ha            | 800                           | 35                                | 201 m <sup>2</sup> of land per unit (assuming 30% is used for roads, reserves etc.). <sup>8</sup> |
| H                | 1 ha             | 1                             | 1                                 |   |
| I                | 3 ha             | 7                             | 2.3                               |   |
| J                | 9 ha             | 100                           | 11                                | 630 m <sup>2</sup> average lot size (assuming 30% is used for roads, reserves etc.)               |
| K                | 4 ha             | 4                             | 1                                 |   |
| <i>Total</i>     | <i>143 ha</i>    | <i>2,571</i>                  | <i>18</i>                         | <i>389m<sup>2</sup> average lot size</i>  |

RCL's submission requests the following amendments to the size of Development Areas B, I, J, and K (and a new area L) and, in turn, some minor increases to the allowable maximum number of dwellings in some activity areas. The text below in italics was not included in the submission but has been calculated by the author using area information provided by the requestor, in order to provide a clear picture of the extent of change being proposed.

| Development Area | Approximate Size                          | Max. no. of Residential Units | Max dwellings per hectare (gross) |
|------------------|---|-------------------------------|-----------------------------------|
| A                | <i>5.5 ha</i>                             | 4                             | <i>0.7/ ha</i>                    |
| B                | <del>5.5 ha</del> <i>6.75ha</i>           | 85                            | <del>15.5</del> <i>12.6/ ha</i>   |
| C                | <i>17 ha</i>                              | 255                           | <i>15/ ha</i>                     |
| D                | <i>18 ha</i>                              | 325                           | <i>18/ ha</i>                     |
| E                | <i>25 ha</i>                              | 450                           | <i>18/ ha</i>                     |
| F                | <i>30 ha</i>                              | 540                           | <i>18/ ha</i>                     |
| G                | <i>23 ha</i>                              | 800                           | <i>35/ ha</i>                     |
| H                | <i>1 ha</i>                               | 1                             | <i>1/ ha</i>                      |
| I                | <del>3 ha</del> <i>2.67ha</i>             | <del>7</del> <i>8</i>         | <del>2.3</del> <i>3/ ha</i>       |
| J                | <del>9 ha</del> <i>6.42ha<sup>9</sup></i> | 100                           | <del>11</del> <i>15.6/ ha</i>     |

<sup>8</sup> Note: This is calculated to be similar to what the District Plan currently enables in the Village in Henley Downs (albeit at a lower density due to Activity Area G covering a larger area than the current Village area).

<sup>9</sup> It is noted that, taken together, Areas J and K are now larger than they were when notified even though the wetland has been removed from Area J, and now cover more of the higher land than previously albeit that a lower density of development is now requested.

|   |                        |      |                      |
|---|------------------------|------|----------------------|
| K | <del>4 ha</del> 7.81ha | 4-10 | <del>±</del> 1.3/ ha |
| L | 0.57ha                 | 3    | 5.6/ ha              |

The appropriateness of the notified densities (and those proposed by RCL in its submission)

The QLDC has submitted in support of higher density (than enabled by the JPRZ); RCL requests that densities be increased slightly beyond that notified; and others request that the density remain as per the operative rules, citing, amongst other things, concerns relating to the preservation of quality, visual amenity, and character and the provision of quality landscaping.

**Appendix F** to this report contains a detailed comparison of the number of dwellings enabled under the operative zoning; under the Plan Change as notified and including the minor increase sought in RCL’s submission; and under the Plan Change as it is recommended to be amended in this report. The table also details how the number of dwellings enabled changes depending on whether the required densities are expressed as a gross or net density. This has a significant impact and is something that will require further consideration by the commissioners. The analysis also compares the size of the various urban areas and the densities, under the various scenarios.

The comparisons between the **densities** enabled by this plan change and those elsewhere in NZ (as outlined in Appendix N of the S 32 report) are considered to be helpful however you are alerted to the concern raised by Mr Williams in paragraph 4.6 of his report. One notable difference between the proposed Henley Downs Zone and those developments is the fact that the Hobsonville and Stonefield developments propose slightly higher densities and they *require* that these densities be achieved, thus providing considerable certainty. The amendments proposed in this report, namely to require certain densities to be met and to require areas of open space within the urban area will mean that the resultant development will better align with these and other greenfields<sup>10</sup> examples.

Regarding the specific densities proposed, you are referred to Mr. William’s report, which concludes that the densities are generally appropriate but that minimum and maximum/ target densities should be required; there should be a framework to guide the distribution of density; density should be a matter of discretion at the Outline Development Plan stage; site coverage limits should be added and recessions planes relaxed or dispensed with in order to improve the quality of the outcomes; at least at the higher densities. Dr. Read has considerable concerns regarding the proposed density/ small lot sizes and the effect this will have on owners’ willingness to undertake landscaping onsite and how this will, in turn, affect the visual amenity within the site, as far as it integrates with Jacks Point and as viewed from Frankton.

In response to these concerns, it is concluded that:

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<sup>10</sup> Jacks Point Zone does this through its density master plan process. Regarding open space, within the Jacks Point (Henley Downs) Resort Zone approximately 46% of the land within the area now proposed as “urban activity area” is currently included within the “open space” (O/P) Activity Area and there is no specific commitment to a quantum of open space to be provided in the notified urban areas.

- The densities proposed for the urban (R) areas, being B, C, D, E, and F, are generally considered appropriate except that:
  - The density should be mandatory and it should be further considered whether these should be net densities rather than gross (i.e. less dense) (refer Appendix);
  - The density of Area C should be reduced to 10-13 dwellings per ha;
  - The Medium Density Housing (MDH) precincts should be well defined in terms of the key attributes that will qualify an area within an Outline Development Plan to be deemed a MDH precinct (to enable better control over this), and
  - The site coverage limits should be imposed and recessions planes relaxed or deleted to enable better quality higher density forms
- With the exception of J (discussed further below), the densities proposed in RCL's submission for the urban (RL) areas, being I, J, K and the two areas that Dr Read suggest should be homesites, being H and L, are generally appropriate with the exception that that L should enable just one dwelling. These should be expressed as a maximum density rather than a required density.
- A number of open spaces should be added throughout the urban area, thus providing relief to the density proposed and better integration with greater Jacks Point.

The appropriate density of Area J, as specifically raised in submissions.

The Clowes' submission specifically refers to Mr Espie's landscape assessment as follows:

*"We support the recommendation of Mr Espie at paragraph 49 (pg. 24) of his report, namely that Area 7<sup>11</sup> be restricted to a lower density of development akin to that proposed by Area 8. We request that the QLDC seek a modification to the proposal in line with the recommendation of Mr Espie referred to above."*

The only issue here is that Mr Espie, in fact, recommends the following:

*"I recommend a lower density of development for Development Area J, similar to that which is proposed for Development area I."*

As such, Mr Espie recommends that, from a landscape perspective, the density in Area J would more appropriately be 2.3 dwellings/ ha (as per Area I) as opposed to the 11/ ha provided for in the notified Plan Change. Mr Espie does not go as far in his recommendation to say that the density should be reduced to as low as 1 dwelling/ ha, as provided for in Area K.

Whilst it is questionable whether the submission seeks that density be amended to be something akin to I or to K, this is considered a non-issue in that other submissions seeking that the Plan Change be declined/ rejected in its entirety on the basis of adverse effects and the fact Delta request it be retained as open space provide adequate scope to lower the density to the degree deemed necessarily to meet concerns.

Dr Read's firm opinion on the density of Area J is that it is able to be developed but only at a density akin to Area K; being 1 dwelling per hectare. Dr Read's conclusion is based on her concerns a) relating to the significant adverse effects on the amenity of residents within Jacks Point, should it be allowed to develop at an urban density and b) the significant adverse effect on the amenity of the wetland from allowing such urban development around its western (as well as its eastern) side. Based on Dr Read's opinion

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<sup>11</sup> Area 7 in Ben Espie's report generally aligns with Area J and Area 8 with Area K.

(and, to some extent, that of Mr Espie), it is considered appropriate that Areas J and K be merged and be subject to a maximum density of 1 dwelling/ ha.

Whether the objectives and policies will provide sufficient direction/ guidance in respect of density and the appropriateness of the density rules(s)

The QLDC has sought that:

- The objectives and policies should provide greater clarity and direction with regard to densities and where it is located;
- Densities should be expressed as dwellings per hectare (within a range or +/- x%);
- Further consideration is given to whether the density master plan step is appropriate and should be retained.

The Henley Downs Zone objectives and policies relating to density and character are as follows (emphasis added):

***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.***

1.1 *The Henley Downs Structure Plan is adhered to in order for:*

- (ii) *Maximum residential densities* to not be exceeded in different parts of the site;

***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.***

2.2 *Development in the Urban Activity Area is consistent with an approved Outline Development Plan.*

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.*

2.6 *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.*

2.18 *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*

These objectives are considered relatively strong in that they require that the zone be integrated with Jacks Point and includes a range of residential densities in a manner that makes it efficient, safe, healthy, vibrant, and attractive. These are achieved through policies to require that the maximum residential densities not be exceeded; require consistency with the Structure Plan and Outline Development Plan; encourage the densest residential development to be located within MDH precincts; and enable affordable residential forms. The policies are not considered sufficiently strong and do not

reflect the rules recommended in this report or the concerns raised by Mr Williams regarding the lack of any definition of MDH or clear direction over its location and layout.

The policies are therefore recommended to be amended in order to better reflect the objectives. As such, the policies should:

- Ensure that a range of densities will be achieved
- Require small lot, multi-unit residential and visitor accommodation development to locate within Area G and medium density housing precincts
- Clarify that lower densities, which reflect those within the adjoining Jacks Point development, should be provided for/ located at the boundary with the JPRZ.
- Clarify the locational requirements of MDH precincts and that any area proposed within an Outline Development Plan stage that has a density of 20 units/ ha or greater shall be identified as a MDH precinct.

The JPRZ controls density through requiring a **density masterplan**, which must illustrate how an average density of 10-12 dwellings per hectare<sup>12</sup> will be achieved across all the (R) areas and identify the staging of this. This must be approved prior to any residential development and failure to do so will render residential development a restricted discretionary activity. The problems with this approach are that it a) adds another step to the consenting process, b) is zone-wide yet there is little useful guidance as to where the most dense development should logically be located and c) once the zone is in multiple ownerships, it is a case of 'first in-best dressed' in relation to where the higher density is located. A resource consent currently being processed, (RM130152) is illustrative of these issues. The proposed Henley Downs Zone dispenses of the density masterplan requirement and, instead, specifies the maximum number of dwellings that can be established in each Development Area (failure of which triggers non complying consent).

The inclusion of the zone standard requiring certain densities to be achieved and identifying density as a matter of discretion at the Outline Development Plan stage is considered more efficient than requiring a density masterplan and at least as effective.

Furthermore, it is preferable to express density as a range of dwellings per hectare that shall be achieved over the Development Areas B, C, D, E, F, and G; being those that provide for true urban development<sup>13</sup>. This has the benefits of added certainty and superior urban design outcomes.

## Recommendations and Reasons

It is recommended that:

- Zone standard 12.30.4.2 (vii) (Residential Amenity) be amended as follows:

*The following average net/ gross densities for each Development Area shall be achieved:*

| <i>Development Area</i> | <i>Max. no. of Residential Units</i> | <i>Average number of dwellings per hectare (net or gross?)</i> |
|-------------------------|--------------------------------------|--|
| <i>B</i>                | <i>85</i>                            | <i>10 - 12<sup>14</sup></i>                                    |

<sup>12</sup> The Jacks Point density is currently 11.2 units/ ha and if RM130152 is approved it will reach permitted max of 12/ ha.

<sup>13</sup> Areas A, H, I, (and J/K, and L, if the recommendations A are accepted) are deemed to provide a more rural or rural living environment and, as such, it is appropriate that the density be expressed as a maximum.

<sup>14</sup> Density in B and C are reduced on the basis of Dr Read's recommendations.

| Development Area | Max. no. of Residential Units | Average number of dwellings per hectare (net or gross?) |
|------------------|-------------------------------|---|
| C                | 255                           | 10 - 13   |
| D                | 325                           | 16 - 18   |
| E                | 450                           | 16 - 18   |
| F                | 540                           | 16 - 18   |
| G                | 800                           | 27 - 33   |

Whereby “net density” is calculated as the number of dwellings per hectare of land devoted solely to residential development, including private driveways and private open space but excluding public roads, publicly accessible open space, and areas identified on Outline Development Plans for non-residential development.

All Outline Development Plans lodged for Development Areas A, H, I, J, and K shall show the number of residential units proposed and the maximum number permitted in each development area shall not exceed the following:

| Development Area | Max. no. of Residential Units |
|------------------|-------------------------------|
| A                | 4                             |
| H                | 1                             |
| I                | 7 8                           |
| J <sup>15</sup>  | 100 14                        |
| K                | 4 10                          |
| L K              | 3-1                           |

- The objectives and policies, as they relate to density, be amended as follows or, preferably, through adding objectives and policies to Part 12, as per Appendix B to this report:

*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.*

*1.1 The Henley Downs Structure Plan is adhered to in order for:*

*(ii) Maximum residential densities to not be exceeded in different parts of the site;*

*1.4 In development areas A, H, I, J, K, and L, the density of development, its location, and landscaping is managed to avoid or minimise visibility of development ensures development is not readily visible from State Highway 6.*

*1.6 Residential development in Areas B, C, D, E, F, and G shall be in accordance with the required density ranges in order to ensure efficient development of the land; to ensure a range of densities is achieved; and to provide certainty in terms of the scale of the ultimate capacity of the Henley Downs Zone.*

**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.~~**

**The Henley Downs part of the JPRZ has a predominantly residential character, with its mixed density residential neighbourhoods focused around a core of**

<sup>15</sup> Amended spatially to include Area K, proposed by RCL submission



**consolidated non-residential uses and higher density housing, which are intended to support the Jacks Point village to become the commercial and community hub of the Jacks Point community.**

**Policies**

2.2 Development in the Urban Activity Area is consistent with an approved Outline Development Plan.

2.3 Residential activities are enabled in Development Areas ~~A to K~~ A, H, I, J and K, as shown on the Henley Downs Structure Plan up to the prescribed maximum number of residential units.

2.6 Small lot residential, multi-unit residential and visitor accommodation development ~~are encouraged~~ is required to co-locate within Medium Density Housing Precincts where design controls aimed at promoting high standards of medium and high density development apply and these precincts shall be located.

...

2.20 Residential development in Areas B, C, D, E, F, and G shall be in accordance with the required density ranges in order to ensure efficient development of the land; to ensure a range of densities is achieved; and to provide certainty in terms of the scale of the ultimate capacity of the Henley Downs Zone.

2.21 MDH precincts are enabled only in Areas D, E, F, and within 10 minutes' walk of the main road or an existing public transport route; and only where such developments will not dominate the informal landscaped low -medium density character of the main road.

...

- The matter of discretion 'residential density' be added at the Outline Development Plan stage and that assessment matters be added to guide the assessment of this matter.

The reasons for the above recommendations are that the amendments will:

- Provide certainty that a particular density will be achieved, rather than leaving it up to the market, which may well result in homogenous 1000m<sup>2</sup> sites, for example<sup>16</sup>;
- Provide certainty around character, density, lot size, traffic movements/ volume and hence street design, and servicing at the Outline Development Plan stage;
- Discourage further infill subdivision at a later date
- Provide certainty in terms of the ultimate 'capacity' of the zone; thus assisting with the planning for soft and hard infrastructure
- Provide more control and direction over where density should locate
- Better protect the landscape and visual amenity values of the slopes of Areas J and K, particularly as viewed from the balance Jacks Point area.

## **5. ENSURING INTEGRATION WITH THE BALANCE JPRZ**

### **The Issues and Decisions Requested**

A number of submitters are concerned that, given the proposed provisions, the Jacks Point Resort and Henley Downs zones will not be well integrated or consistent. These concerns relate particularly to:

- Having regard to the Coneburn Resource Study (or any refinement thereof);
- Having regard to the proposed objectives and policies of the Henley Downs Zone;

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<sup>16</sup> It is noted that homogenous low density development would affect the ability to achieve the policies for the zone and likely have a significant adverse effect on its character, and, equally, could adversely affect the character and purpose of the Jacks Point zone.

- The density that is enabled (which may result in a ‘sea of house roofs’);
- Consistency with the ethos/ standards/ guidelines of the JPRZ, particularly in relation to building materials and design guidelines, land coverage, and respect for the environment;
- Consistency of the landscape and streetscape treatment between the two developments, including the type of mounding and planting undertaken along the State Highway.

The QLDC notes that consistency with building guidelines should not prevent expanding the palette of allowable building materials to reduce construction costs but should ensure that buildings adhere to consistent principles and colour palettes, etc.

## Discussion

With regard to the issue of integration, the following relevant **objective and policies** are proposed for the Henley Downs Zone:

### 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*

...

*1.4 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.*

These are generally sufficient but it is noted that if the Henley Downs area is retained within the JPRZ then these may not be necessary as development will be assessed against the key objective of the JPRZ of achieving ‘an integrated community’.

The issue of **density** and whether this can, in fact, be increased to the extent proposed whilst still achieving the above objectives of integration and character and not adversely affecting views from Jacks Point is discussed in full in the previous section of this report and in the attached landscape report. That discussion concludes that, density should be reduced in some areas through lower density in some areas and adding open space areas within the urban area. These changes would reduce the capacity of the zone to approximately fewer dwellings being enabled). Provided this occurs<sup>17</sup> then the increase in density per se will not prevent Henley Downs from integrating well with Jacks Point.

The Pritchards seek consistency with the **ethos/ standards/ guidelines** of the JPRZ, particularly in relation to building materials and design guidelines, land coverage, and respect for the environment. It would be helpful if the submitter could clarify what is meant by the terms “ethos”, “standards, and “guidelines” but, for the time being, it is assumed that this refers to both the Resort Zone provisions of the District Plan and the design guidelines that are administered by the Jacks Point Urban Design Review Board<sup>18</sup>. These design guidelines replicate some controls from the District Plan and include various additional controls.

<sup>17</sup> And other refinements to the provisions are made

<sup>18</sup> Refer <http://www.jackspoint.com/assets/PDF/Society/DG-Residential-V3-Sept09.pdf> , <http://www.jackspoint.com/assets/PDF/Society/DG-Residential-V3-Sept09.pdf> and <http://www.jackspoint.com/assets/PDF/Society/Building-Your-Home/Preserves-DG-V2.0-March-2009.pdf>.

A comparison between how Jacks Point and Henley Downs manage<sup>19</sup> **building design and materials** is summarised in the following table, along with comments about how this might influence the ability to successfully integrate the two areas:

| Activity   | JPRZ   | Henley Downs Zone   |
|--|--|---|
| Single residential building (excl. on the homesites/ ACRAA)                  | Controlled subject to external appearance, earthworks and landscaping, and compliance with development controls and design guidelines (and other matters less relevant to integration).  | Permitted subject to meeting standards (set out below).   |
| All buildings (in Urban/ R Activity Areas)                                   | Buildings and fences constructed of a reflective material shall be coated with a non reflective finish - otherwise it is non-complying.<br><br><i>Continuous building length;</i><br><br><i>Specification of roof and wall claddings/ materials;</i><br><br><i>Controls over roof pitch, form, and penetrations (sky dishes, for example);</i><br><br><i>Controls over glazing, joinery, and visibility of such from the State Highway</i> | Reflectance value of $\leq 35\%$ (walls) and $\leq 20\%$ (roofs) or being constructed of wood, stone, concrete, or copper. Failure to meet these triggers a restricted discretionary activity (RDIS) but there are no assessment matters to support this. |
| Buildings with more than three residential units/ comprehensive development. | As above, but design controls slightly different.  | RDIS in respect of (relevantly) the location, external appearance and design of buildings. This is supported by 13 assessment matters, which relate to good urban design outcomes.  |
| Non-residential buildings  | As above   | As above, and supported by 12 assessment matters; most of which relate to good urban design outcomes.   |
| Buildings in Development Areas A, H, I and K or within a "homesite".         | Within homesites buildings are controlled up to 1000m <sup>2</sup> .   | Permitted within an approved building platform (RBP) in Development Areas A, H, I & K.<br><br>Discretionary (DIS) outside an RBP.   |
| Building height - residential/ outside the village or precincts              | 8 m (then N-C activity)<br><br>4 m for buildings in the open space area other than farm buildings.<br><br><i>Garage height of 3.5 m and a requirement that garage door entrance do not open to the</i>   | 8 m (then N-C activity) and recession plane requirements - no assessment matters  |

<sup>19</sup> NB: those in Italics are from the guidelines rather than the District Plan but are considered through the District Plan through the controlled status of all buildings.

| Activity  | JPRZ  | Henley Downs Zone   |
|---|---|---|
|   | <i>road.</i>  |   |
| Building height in commercial, community, or MDH precinct | 10 m in village and 8 m in comprehensive residential sites (then non complying)   | 10 m (then RDIS). No assessment matters and none relating to height at the time of approving the location of precincts.   |
| Internal setbacks   | 20 m from the zone boundary.<br><br><i>Internal setbacks of 2m x 4.5m; restrictions on accessory buildings in the yard setbacks; and an allowance for certain chimneys to protrude into the setbacks.</i>   | 2.0 m and 4.5 m and, in precincts, 1.5 m; supported by assessment matters.  |
| Road setback  | None.   | 4.5 m (zone std) and, in the precincts, 3 m (zone std). No assessment matters.  |
| Outdoor living  | None.   | In precincts 20m <sup>2</sup> contained in one area with a minimum dimension of 3m.<br><br>Elsewhere/ in all other areas 36m <sup>2</sup> contained in one area with a minimum dimension of 4.5m or 8m <sup>2</sup> above ground. |
| Fences/ walls including those on front boundaries         | <i>Street boundary walls to be stone and a max height of 1.5 except can be &lt;= 1.8 m for &lt;=25% of the length. Internal boundary walls can be 1.8m and constructed of approved building claddings.</i><br><br><i>Plus further restrictions on walls and fencing (post and wire only) in the Highway Landscape Protection Area.</i>  | Fence/ wall within the road setback max 1.2 m except can be <= 1.8 m for </= ½ its length; supported by assessment matters.   |
| Density   | In the Jacks Point (Res) areas, it is RDIS to undertake development without/ contrary to an approved density master plan that shows a density other than 10 - 12/ ha across the zone.<br><br>In the village, RDIS to exceed 60% coverage, and between 1/3 and 5/6 of the (GFA) can be used for residential. This could enable a very large number of units if, for example, the coverage was maximised and there was 1-2 levels of residential. | Non-complying to exceed the maximum number of units specified. In those areas comparable to the Jacks Point (Res) areas, this equates to maximum densities of 15-18 dwellings per ha.   |
| Building coverage   | <i>300m<sup>2</sup> / 45% maximum building coverage per</i>   | No maximum coverage limit but   |

| Activity | JPRZ  | Henley Downs Zone   |
|----------|---|---|
|          | <i>site</i><br><br>5% coverage over the zone, otherwise consents become non-complying. This would need to be a matter for consideration at the Outline Development Plan/ density masterplan stage probably to enable effective/ efficient administration. | the likely maximum building coverage <sup>20</sup> over the whole zone, if developed to capacity, (based on various assumptions outlined below) is approximately 7.5% or 5% if assume the tablelands originally in Henley Downs remained within it. |
| Other    | Parking, loading, and access are a controlled activity in itself - re access points and the number of access points. This is necessary as some of the part 14 rules relating to such matters do not apply to the Resort Zone.                             |   |

**Conclusion:** The key differences between how the Jacks Point and Henley Downs Zones regulate buildings are:

- 1) There are fewer controls over building materials in Henley Downs
- 2) There is a lack of regulation over density and building coverage (but is outdoor living area control instead) in Henley Downs
- 3) Buildings are subject to recession plane rules in Henley Downs
- 4) There is the potential for dispersal of non-residential buildings throughout Henley Downs
- 5) Other than the recession planes height is more relaxed in Henley Downs
- 6) Dwellings in the sensitive areas (i.e. homesites and A/K/I/H areas) are better controlled in Jacks Point
- 7) Consent processing of individual houses will be more efficient/ less costly in Henley Downs Zone but less efficient/ more costly for those undertaking non-residential activity or MDH as there is no dedicated village set aside for this.
- 8) Although the consistency of materials is a defining character of Jacks Point it is considered appropriate to relax this for the Henley Downs area and that, provided the other differences are addressed, then the two areas can be effectively integrated.

A comparison between how Jacks Point and Henley Downs zones manage the **Outline Development Plan approval process** (and any deviation to that) is summarised in the

20

| Calculation of whether 5% coverage will be achieved   | Ha   | house numbers | coverage (ha) | Assumptions   |
|---|------|---------------|---------------|---|
| <b>total ha of urban area; excluding G, A, K, H, and I (as notified)</b>  | 95.5 | 1655          | 24.825        | assume 150m2 average footprint based on average 205m2 NZ house size & assumption that 60% will be single story (outside Area G), given recession plane rules and cost of multi storey |
| <b>A, K, H, and I</b>   | 13.5 | 16            | 1.12          | assume 700m2 average  |
| <b>G</b>  | 23   |               | 13.8          | Assume 60% coverage from Jacks Point in absence of anything else  |
| <b>open space - assume no building</b>  | 388  |               |               |   |
| <b>total zone</b>   | 520  |               |               |   |
| <b>total likely coverage under notified Plan Change</b>   |      |               | 39.745        | ha coverage likely under Plan Change  |
| <b>allowable coverage under the 5% provision</b>  | 520  |               | 26            | ha coverage total allowed under 5% rule   |
| <b>allowable coverage under the 5% provision - based on existing/ operative size of the Henley Downs area</b>   | 730  |               | 36.5          | ha coverage total allowed under 5% rule   |
|   |      |               |               | 7.6 % of new reduced area   |
| Average house size determined from:   |      |               |               | 5.4 % of new reduced area   |
| <a href="http://www.qv.co.nz/n/news-details/phoenix-78?blogid=62">http://www.qv.co.nz/n/news-details/phoenix-78?blogid=62</a> ("houses built since 2010 are on average 205 square metres") and<br><a href="http://www.branz.co.nz/cms_show_download.php?id=20fcdc1151f17dcb00bce0a7f31993a65b914f57">http://www.branz.co.nz/cms_show_download.php?id=20fcdc1151f17dcb00bce0a7f31993a65b914f57</a> |      |               |               |   |

following table, along with comments about how this might influence the ability to successfully integrate the two areas:

| Activity   | JPRZ   | Henley Downs  |
|--|--|---|
| Outline Development Plan   | Controlled, with control in respect of: <ul style="list-style-type: none"> <li>a) Rooding pattern;</li> <li>b) Indicative subdivision design, lot configuration and sizes;</li> <li>c) Pedestrian links;</li> <li>d) Mitigation measures to ensure development is not readily visible when viewed from State Highway 6 and Lake Wakatipu;</li> <li>e) Compliance with a density masterplan</li> <li>f) Proposed internal and road setbacks</li> <li>g) Visitor parking</li> <li>h) Proposed landscaping of the road reserve and other publicly accessible land.</li> <li>i) View shafts</li> <li>j) Public use and access to public open space</li> <li>k) Design guidelines</li> </ul> NB - Matters are generally the same in the village areas | Restricted discretionary activity, with matters as per a) - d) for Jacks Point plus: <ul style="list-style-type: none"> <li>a) The comprehensiveness of info;</li> <li>b) The locations of building platforms in Areas A, H, I and K;</li> <li>c) Proposed road and street designs;</li> <li>d) The appropriateness of proposed non-res activities;</li> <li>e) The location of Medium Density Housing and Commercial and Community Precincts;</li> <li>f) Natural hazard risks;</li> <li>g) The location of and suitability of proposed open space areas, public transport links, cycle links;</li> <li>h) Treatment of the interface between the urban and rural area;</li> <li>i) Biodiversity management and restoration of the wetland area;</li> <li>j) waters servicing;</li> <li>k) Compliance with the NES re Contaminants in Soil.</li> </ul> |
| <p><b>Conclusion:</b></p> <p>The activity status of the Outline Development Plans and not having to consider guidelines at the Outline Development Plan stage in the Henley Downs Zone are the key differences between the two zones.</p> <p>Overall, the Henley Downs Outline Development Plan process is superior as it is a restricted discretionary activity. If it is accepted that the Henley Downs Zone should be a separate zone then density, viewshafts, and landscaping of public spaces should be added as matters of discretion and if it remains within the JPRZ (but with some site specific provisions), then the additional matters proposed in the plan change should be retained.</p> <p>In relation to the matters of discretion that apply to Jacks Point but are missing from the Henley Downs Zone, the only omission that seems to need to be re-instated/ applied to Henley Downs is that which relates specifically to the landscaping of public spaces.</p> |  |   |

Various submissions request consistent landscape and streetscape treatment between the two zones, including the type of mounding and planting undertaken along the State Highway. You are referred to Dr Read's report for more detail. A comparison between how Jacks Point and Henley Downs zones manage landscaping is summarised in the following table, along with comments about how this might influence the ability to successfully integrate the two areas:

| Activity   | JPRZ   | Henley Downs Zone   |
|--|--|---|
| Landscaping in the open space/ ACRAA areas and private space on more sensitive | Landscaping in open space protection areas (Peninsula Hill and Highway areas are relevant to Henley Downs) and the provision of lake access is a controlled activity; in respect of landscaping, | Policies and assessment matters suggest that, in Areas A, H, I, and K, landscaping should avoid or reduce the visibility of development from State Highway 6 and that landscape planting should be in |

| Activity  | JPRZ   | Henley Downs Zone  |
|---|--|--|
| residential sites.  | <p>species, long term management, views, integration and access mode.</p> <p>It is discretionary to plant certain species or undertake planting that will block views in the Highway and Peninsula Hill areas and to develop a golf course beyond the one already anticipated.</p> | <p>keeping with the natural or cultural history of the area.</p> <p>In the 'Areas of Biodiversity Value' on the Structure Plan there shall be no exotic tree or shrub planting and limited clearance. NB: RCL's submission requests that the areas and planting restrictions be removed.</p>   |
| Landscaping of private space (R/ UAA)   | <p><i>&gt;= 75% of planted areas in residential lots shall be from the prescribed Jacks Point plant list, of which 50% shall be native species.</i></p>  | <p>Buildings containing more than 3 res units or non res activities are subject to discretion over landscaping but no other development is.</p>  |
| Landscaping at the Outline Development Plan stage/ streetscape  | <p>Proposed landscaping of the road reserve and other publicly accessible land is required at the Outline Development Plan stage.</p>  | <p>As part of Outline Development Plan approval, landscaping is only captured under 'the proposed treatment of the interface between the urban and rural area'; 'mitigation to ensure development is not highly visible from the State Highway'; and 'street design'. However, the assessment matters indicate that landscaping in relation to building platforms in Areas A, H, I and K is also a matter of assessment.</p> |
| <p><b>Conclusion:</b> The key differences between the two zones are that:</p> <ol style="list-style-type: none"> <li>The only controls in the Henley Downs Zone over landscaping in the areas identified as the Peninsula Hill and State Highway Protection Areas in the operative Plan relate to wilding species, forestry, and specifically to the Areas of Biodiversity Value).</li> <li>The Henley Downs Zone provides no specific discretion or guidance over the landscape planning for public areas and no requirement to provide a landscape plan alongside the State Highway at the Outline Development Plan stage.</li> <li>The Henley Downs Zone identifies particular Areas of Biodiversity Value (although RCL now seeks to remove these) and biodiversity provisions apply to specifically to those areas and the wetland.</li> </ol> <p>On balance, the Jacks Point provisions are considered preferable in relation to protecting the landscape and biodiversity values of the zone as a whole. Whilst the JPRZ provides a sound basis/ framework, many respects the Henley Downs provisions are superior (in relation to the preservation of the wetland and in relation to screening development prior to undertaking development close to the State Highway for example) and these should be included in the approved plan change.</p> |  |  |

Whilst not specifically raised in submissions, there is considered to be scope in the general submissions that request more consistency/ integration with the Jacks Point Zone to re-consider the **signage provisions** proposed in the plan change. As notified, signage in approved commercial precincts is permitted up to 5m<sup>2</sup> (and subject to other standards) and permitted up to 0.5m<sup>2</sup> in the rest of the zone. Under the operative zone, all signage is controlled and any over 2m<sup>2</sup> is non-complying.

## Recommendations and Reasons

Greater consistency between Jacks Point and Henley Downs is required in relation to controls and guidelines for development and landscaping in order to achieve better integration. It is considered that greater density, a larger urban footprint, and a different, more connected settlement pattern are all possible (and indeed desirable) without adversely affecting the character of the wider area provided the following amendments are made to the proposed plan change:

- If the Henley Downs zone is accepted then discretion at the Outline Development Plan stage should be expanded to include landscaping of public spaces (including the highway protection area), viewshafts, and density
- If the JPRZ is retained then the Outline Development Plan should be a restricted discretionary activity in relation to the Henley Downs part of the zone and discretion should be expanded to also include those matters proposed in the notified Plan Change;
- Adding open spaces within the urban area, which a) reflect the landscape features of the site and b) break up the built form in a manner consistent with the approach taken at Jacks Point.
- Ensuring development does not occur in Areas A and B until screening is sufficiently established.
- Reducing the density of development enabled in Areas J and C, which will result in better integration with the balance of Jacks Point and better maintain the existing character.
- Adding a building coverage rule and removing/ relaxing the recession plane rule akin to those in the Jacks Point guidelines in order to achieve more open space between buildings and encourage more planting on private land. It is not considered appropriate to apply the 5% building coverage rule to Henley Downs as it is not particularly effects-based and, in any case, it appears that the permitted development is unlikely to be significantly different from the 5% figure.
- Adding assessment matters encouraging densities at the boundary of the Henley Downs area to be consistent with the balance JPRZ (i.e. generally resulting in larger lots along such boundaries).
- The JPRZ signage rules apply, making all signage controlled and non complying over 2m<sup>2</sup> is non complying but that the further proposed in the plan change, which makes signage over 0.5m<sup>2</sup> non complying outside of the commercial precincts and Area MU/G.

NB: The different approaches taken in the two zones in relation to building height and the distribution of non-residential activities are dealt with in following sections of this report.

## **6. RESIDENTIAL AMENITY**

This section deals with issues relating to built form; built environment; visual amenity; and visibility.

### **The Issues and Decisions Requested**

The submissions raise the following issues and, variously, request that the plan change either be declined entirely or amended to address the concerns:

- Restrict the height of buildings in Area E to 8 m in accordance with the current provisions for this area.
- Introduce a 3 storey limit to compliment the 10m height limit proposed for commercial and medium density precincts.
- Add an internal setback rule for buildings in commercial and community precincts that adjoin a Low or Medium Density Residential Area.



- Amend Zone Standard 12.30.4.2 (ii) (lighting and glare) to remove part (c): "There should be no upward light spill" or alternative amendments to reflect pragmatic best practice.
- Amend Site Standard 12.30.4.1(ix) (Garages) such that the rule only applies where the front façade extends within the minimum road setback and provide for exceptions to this site standard.
- Amend Site Standard 12.30.4.1(xi) (Building and fence colours) to clarify that either a) or b) shall be met (not both) and to remove the reference to 'natural' wood.

The issues of residential density and integration with the built form at Jacks Point (discussed above) are inevitably closely tied to the issue of residential amenity.

## Discussion

Delta seeks that **Building height** within Area E remains as per the operative rules, which specify a maximum height of 8 metres. The plan change proposes that the maximum height is 7m on sloping sites and 8 m on a flat site *except* in approved commercial/ community, or medium density precinct(s) the maximum height is 10 m high and could potentially exceed that as a restricted discretionary activity. Given the central location of Area E and its accessibility to the Jacks Point village and the main road, it is likely that some such precincts may be proposed within this area. It is noted that no assessment matters or policies specifically direct one to consider the height implications of these precincts when they are being considered at the Outline Development Plan stage. It would be helpful to have Delta clarify the reasons behind this submission at the hearing. Whilst Delta's submission relates only to Area E, the issue of height within precincts (which is assumed to be Delta's key concern) is considered in this report in relation to the entire Zone, on basis that there is scope to do so in the submissions that seek consistency with the Jacks Point. It is considered that the 10 m height limit be retained but as a zone standard, with buildings above 8 m being a restricted discretionary activity and the matter of height being able to be conditioned as part approving precincts through the Outline Development Plan process.

Also in relation to height, the QLDC has requested that a 3 storey limit be added to 10m height limit proposed for commercial/ community and medium density precincts; the reason being that this will encourage articulated roof design etc. and discourage attempts to try and squeeze 4 floors within the 10 m height. The Council seems to be otherwise supportive of enabling extra height within the precincts and Mr Williams seems comfortable with the 10 m height allowance provided greater guidance is provided regarding the location and design of these precincts, such that inappropriate proposals can be declined. The lack of any specific assessment matters or policy relating to the importance of roof articulation and architectural expression further supports the introduction of a 3 storey maximum along with improvement of the policy framework, etc.

RCL has also submitted that the rule relating to height in the precincts be simplified through minor typographical improvements, which appear to be appropriate.

As discussed under Issue 7, it is considered important to encourage **consolidation of non-residential uses and medium density housing (MDH) in Area MU/G** and allow only very limited (if any) such uses outside of this. As such, it is considered appropriate (from an effectiveness and efficiency perspective) to increase the discretion over the design and location of such precincts and to reduce the height to 8 m; potentially as a site standard with 10 m as a zone standard in order to:

- a) Reinforce the lower order nature of such precincts relative to Area G (where the 10 m height would remain);
- b) Retain a predominantly residential character as per the objective
- c) Avoid the need for recession plane rules and increased building setbacks where the precinct adjoins lower density housing, and
- d) Be consistent with Jacks Point and other zones in the district, which specifically provide for non-residential and higher density activities in the Structure Plans.

Further to the above discussion, which deals only with the issue of height, you are referred to Issue 7 of this report which recommends that the application of/ emphasis on community and commercial precincts and MDH precincts be significantly reduced, if not deleted as a concept, entirely. If the commissioners decide to dispense of the concept then the above rules will be superfluous and, instead, it is recommended that, the additional height only be enabled (as a zone standard) within Area MU/G.

Due to the potential adverse effects on residential amenity that can arise from adjoining non-residential activities (such as traffic movements, noise<sup>21</sup>, etc.), it is considered appropriate to increase the **internal setback** rule for buildings within commercial and community precincts, where those precincts directly adjoin a residential area outside of a precinct. It is noted that if community and commercial uses are restricted to locating only (or predominantly) in Area G, then it will evolve as a true mixed use area and community hub in a manner that will have social, environmental, and efficiency benefits. Within that environment there is may be no need to have recession plane and internal setback rules other than at the boundary with lower density residential neighbourhood E and potentially with the balance JPRZ.

RCL has submitted that the **lighting and glare** rules are outdated and difficult/ impossible to comply with and that, as a minimum, part c) of Zone Standard 12.30.4.2 (ii) relating to lighting and glare and stating that *"there should be no upward light spill"* be removed or amended to reflect pragmatic best practice. Part c) in particular is understood to be practically unachievable as there will always be some upward light spill. Knox and Horwood also raise a concern regarding the effects of lighting and these have been considered in the report from Dr Read and so, are reflected in her conclusions.

As notified, the site standard relating to **garages** (12.30.4.1(ix)) states:

*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.*

RCL has suggested the following amendment to this:

**Site standard 12.30.4.1(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, if the front façade extends within the minimum road setback, except where:*

- i) The legal vehicle access is from the south side of the site*
- ii) The garage or carport is located outside any road setback,*
- iii) The garage or carport is orientated with the vehicle entrance at right angles to the street providing legal vehicle access.*

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<sup>21</sup> Noting that higher noise levels are permitted in such precincts

This rule is confusing and, in turn, inefficient. As it only applies when buildings are within the setback, it will also be largely ineffective. Alternatively, the following rule is considered more appropriate:

*Restricted discretionary activity: Setback from roads*

- a) ....
- b) In all activity areas, where a garage has the garage entrance facing the street, that garage shall be set 1 metre back from the front façade of the dwelling.

Alternatively, the guideline for the JPRZ could be adopted, which states that unless the garage entrance is at right angles to/ not directly facing the street, stand alone, and no more than 3.5 m high, then it shall be setback 1 metre from the front façade. This is a little more flexible/ less stringent.

RCL has requested that Site Standard 12.30.4.1(xi) relating to **building and fence colours** is amended to clarify that either a) or b) shall be met (not both) and to remove the reference to 'natural' wood.

The request to add the word “either” a) or b) is appropriate and of little consequence.

It is agreed that the term “natural” is open to interpretation, as is the issue of whether the term relates only to timber or also the other materials. However, replacing the term ‘natural wood’ simply with ‘wood’ is also problematic in that painted wood would no longer need to meet the reflectance values outlined in the first part of the rule. The same is true for painted concrete or stone. The above relief requested by RCL also needs to be considered in light of those submissions that seek considerably more control over building materials and greater consistency with the balance Jacks Point (the guidelines for which deal with this issue). Assuming RCL’s submission is purely to avoid definitional problems then it could be replaced with “unpainted”. It would mean that part b) of the rule would permit wood cladding provided it is unpainted (but could be stained or otherwise sealed) and any painted wood would default to part a) of the rule and thus need to meet the reflectance values outlined. This same rationale also extends to concrete and stone and the amended wording should rectify that.

## Reasons and Recommendations

It is recommended that:

- The following amendments be made in relation to building height in the precincts:
- The following standards be amended as follows, which will have the effect of making buildings within the precincts discretionary in relation to height if they are within 8 m and 10 m and non-complying thereafter:

### **Site standard xx (v) Building height**

~~Building height for buildings located in a Commercial and Community Precincts or Medium Density Housing Precincts identified in an approved outline development plan, the maximum height for of buildings shall not exceed 40 m,~~

In Area G, the maximum height of buildings shall not exceed 10m, and the building shall comprise a maximum of 3 storeys.

### **Zone standard 20.30.4.2 (iii) (v) Building height**

~~Building height for buildings located in a In Commercial and Community Precincts or Medium Density Housing Precincts identified in an approved Outline Development Plan, the maximum height for of buildings shall not exceed 10m, and the building shall comprise a maximum of 3 storeys.~~

[And apply the definition of “storeys” from the Three Parks Zone<sup>22</sup> to the Jacks Point (Henley Downs) Zone]

- Zone Standard (iii) be amended as follows:

~~In all areas aside from Area G Medium Density Housing and commercial and community precincts identified as part of an Outline Development Plan...~~

- New assessment matters (at the Outline Development Plan stage) relating to the treatment of internal boundaries between a precinct and other residential land, where 10 m high buildings be added as follows:

Whether greater building setbacks or recession planes, (stipulating that buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above the boundary of any area not within the precinct or Area G) are necessary in order to avoid shading and over-looking.

Whether the site characteristics (e.g. topography, site orientation in relation to the sun, or relationship to areas beyond the precinct) of the proposed location of the precinct(s) mean that it is able to absorb the 10 m height.

- The following rule be amended in order to protect residential amenity, where it directly adjoins a commercial and community precinct:

#### **12.30.4.1(vi) - setback from internal boundaries**

*In Medium Density Housing and Commercial and Community 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 metres.*

*Except that:*

- a) Eaves may be located up to 0.6m into the minimum setback*
  - b) No setback is required from an internal boundary where buildings share a common wall on that boundary.*
  - c) Buildings shall be setback at least 4.5 m along any internal boundary that adjoins either:*
    - a. An area within the Urban Activity Area that has not been identified as a commercial or community precinct in any approved Outline Development Plan; or*
    - b. public open space.*
- The lighting and glare standards be amended, as follows, in order to make them more workable:

#### *Lighting and Glare*

*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~~*

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<sup>22</sup> Refer Pg. D-12, volume 1 of the District Plan for the definition.

- The garages standard be deleted and the setback standard be amended, as follows, in order to ensure that garages do not have an adverse effect on the streetscape:

***Restricted discretionary activity: Setback from roads***

- c) ....
- d) *In all activity areas, where a garage has the garage entrance facing the street, that garage shall be set 1 metre back from the front façade of the dwelling.*

- The fence standard be amended, as follows, in order to minimise interpretation difficulties:

*(xi) Building and fence colours*

*External building and fencing materials shall either:*

- a. be coated in colours which have a reflectance value of between 0 and 35%; or*
- b. consist of ~~natural~~ unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.*

## 7. OPEN SPACE

### The Issues and Decisions Requested

Three submitters (Delta, QLDC, and RCL) raise issues relating to open space. The submissions variously seek to:

- Retain the open space within the urban areas, as shown on the operative Henley Downs Structure Plan;
- Further refine the assessment matters relating to the provision of parks and public spaces to ensure quality outcomes that benefit the greater Jacks Point area; and
- To show open space and trails on a Structure Plan or through an overlay.

It is noted that:

- Delta's submission that the hill slope spaces in proposed Areas F, I, J, and K should be protected as open spaces and development of those prevented is discussed in the landscape section.
- The submissions relating to the ACRAA/ open space area surrounding the urban activity areas is also discussed in the landscape section of this report.

Indirectly, many of the submitters who stress the importance of integration and consistency with Jacks Point concerned with the provision of open space.

### Discussion

Delta requests that the plan change be declined unless, amongst other things:

- The open spaces between the pod-like residential developments and between those pods and the Jacks Point boundary are retained, including the open space area between the two villages (in the operative Plans)
- The area between the operative Henley Downs and Jacks Point villages is acknowledged as a stormwater retention area.

In the Section 32 report (at page 68), the requestor states that the operative **pod-like form** of the Henley Downs residential areas are not justified by topography; are an inefficient and potentially impractical use of the land; and prevent a well-connected street pattern. These points are generally accepted. Whilst the neighbourhood pods of the operative zone are not considered to create an appropriate settlement pattern for Henley Downs, four key open spaces should be provided as outlined in Dr. Read's report. It is also considered appropriate that the main road be developed as a green corridor rather

than a hard urban edge/ environment (consistent with the existing entrance to Jacks Point). Together, these five open space areas will provide additional open space through the urban area; better connections; and more effective integration with the JPRZ. In respect of Delta's submission that open space between the Henley Downs and balance JPRZ be retained, this is not considered necessary. Rather, assessment matters relating to consistency/ integration in relation to density, etc. at the boundary is considered to be sufficient.

The background to the **open space between the two village nodes** in the operative Structure Plans is unclear from the literature provided with the plan change and there is no mention made of the stormwater function of this area. However, the Jacks Point Stakeholders Deed includes a plan<sup>23</sup> which identifies this land as part of the public domain and requires that it provided in this general vicinity. It is considered appropriate that the plan change reflect this, albeit that the open space would need to be amended slightly to encompass the hillock appropriately<sup>24</sup>. It would be useful if Delta could provide information at the hearing in relation to any stormwater function that this area fulfils in order for the commissioners to consider its importance and whether amendments are required.

The QLDC seeks that assessment matter 12.30.5.1(a).x (relating to **location** of proposed parks and other public open spaces), be amended as follows:

**12.30.5 Resource Consent Assessment Matters**  
**12.30.5.1 Restricted discretionary activities - Outline development plan:**

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

*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:*
- ...
- (x) locations of proposed parks and other public open spaces in terms of their proximity to residential areas.*

This amendment would emphasise the importance of open spaces to being accessible to the residential areas<sup>25</sup>. It is suggested that rather than amend the matter of discretion, Assessment Matter (c) and potentially also the policies should be amended to give weight to this matter.

It is not considered necessary to show trails on the Structure Plan, as requested by the Council, as these can be more effectively determined at the Outline Development Plan stage.

In its submission, RCL request that the term **'open space' be replaced with 'parks and reserves'** in Assessment Matter (f) (In regard to indicative subdivision design) in order to a) clarify that the farmed area surrounding Henley Downs is not expected to be subject to

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<sup>23</sup> Included in the Background section of this report

<sup>24</sup> Dr Read strongly supports retaining the prominent hillock that exists within Area G as one of the few legible landscape features that exists within the urban activity area and Mr Williams wholly supports this recommendation from an urban design perspective.

<sup>25</sup> This has not been achieved in the balance Jacks Point area where the recreational area is not centrally located.

passive surveillance, and b) simplify the assessment matters. With the exception of a minor typo, the amendment proposed by RCL seems appropriate.

RCL also seeks that Assessment matter 12.30.5.1(b) in regard to open space areas, public transport links, pedestrian and cycle links be amended for the following reasons:

- Because of the governance arrangements at Jacks Point, there is a risk of confusion over what may be considered ‘public open space’; and
- Not all development areas will require public open spaces but that, rather, the need for parks and reserves and their locations should be considered in the context of the greater Jacks Point area.

The amendments sought by RCL seem appropriate in that if there is a pocket park or playground (for example) approved in one area, then, if it is within easy walking distance of most of the properties within Area D then there may be no need to have a similar space in an adjoining area. This discussion illustrates the usefulness of including an open space plan within the District Plan in order to help guide the decision-makers at the Outline Development Plan stage.

**Recommendations and Reasons**

It is recommended that:

- The Structure Plan be amended (as included in **Appendix B**) to show additional open space. NB: the boundaries of these to be more accurately defined, particularly in relation to the hillock within Area MU/G.
- Assessment matter (c) listed under the heading “In regard to open space areas, public transport links, pedestrian and cycle links” be amended and potentially that the policies also be amended to give weight to this matter:

**12.30.5.1 Restricted discretionary activities**

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

...  
(c) ~~Whether medium density housing precincts benefit from reasonable access to useful public parks and open spaces. Whether proposed public parks and reserves<sup>26</sup> are highly accessible to the proposed residential neighbourhood(s) that they intend to serve and are located in order to maximise the number of residents that are able to walk to the park/ reserve within 10 minutes~~

- Assessment Matter (f) (In regard to indicative subdivision design) be amended as follows in order to a) clarify that the farmed area surrounding Henley Downs is not expected to be used for passive surveillance, and b) to simplify the assessment matters:

~~(f) Whether proposed open spaces, parks, reserves, 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, parks and reserves without a road or accessway providing separation, unless it is considered that sufficient passive surveillance will be achieved through other means.~~

~~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~~

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<sup>26</sup> NB - this wording reflects RCL’s request to remove the use of the words open space to avoid the confusion between public open spaces for recreational purposes, etc. with the tracts of open space that will surround the urban activity area (i.e. the ACRAA).

~~*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*~~

- Assessment matter 12.30.5.1(b), in regard to 'open space areas, public transport links, pedestrian and cycle links', be amended as follows in order to clarify its intent, as outlined in the discussion above:

~~*b) Whether, with respect to development Areas B, C, D, E, F, and MU/G, Outline Development Plans show how contributions are made to a the range of public open spaces available for public use are shown on the Outline Development Plan in Greater Jacks Point, including larger natural areas, playing fields (where Council has identified a need), smaller urban parks, and playgrounds which provide relief from built up areas urban streetscapes, community meeting points, and recreation opportunities.*~~

## 8. NON-RESIDENTIAL ACTIVITIES WITHIN THE ZONE

### The Issues and Decisions Requested

Remarkables Park Ltd and Shotover Park Ltd (hereafter referred to as RPL) requests that the Plan Change be accepted provided it is amended to:

- More clearly provide for increased residential, service, and industrial activities and
- Expressly limit non-residential activity, including applying the 200m<sup>2</sup> maximum GFA to all commercial; not only retail.

The QLDC requests that:

- The GFA of commercial activity within an ODP should be limited to that which is appropriate to support the local neighbourhood; and
- If larger areas are proposed, then an analysis of how that scale of commercial activity and its location will positively contribute to the wider Jacks Point area and village centre within the existing JPRZ should be required; and
- Assessment matters consider the proximity of proposed developments to the existing JPRZ and how the design has drawn on the existing character, scale and pattern of development (existing or provided for).
- Visitor accommodation precincts be shown on the Outline Development Plan.

Both of these are supported in part by Jacks Point Management Ltd.

### Discussion

The RPL submission quite correctly points out that due to the **permissive/ non prescriptive** nature of the provisions (which enable a wide range of activities anywhere within the Urban Activity Area, subject to assessment matters) it is difficult to discern the intended outcome and whether the plan change will help achieve the purpose of the RMA, the District Plan objectives, or whether it is the most appropriate method.

RPL point out that, due to the fact that the plan change policies specifically enable or encourage a **wide range of uses** (i.e. visitor accommodation, retirement, commercial, community, and residential activities) and do not impose any quantitative or geographic constraint on any of these uses, there is a risk of the residential component being diluted, thereby creating significant uncertainty. RPL goes on to say that the provisions need to be strengthened to ensure that medium density residential is delivered as this is clearly the focus of much of the supporting Section 32 analysis. This is considered to be a valid point and relates to the earlier discussion on residential density. RPL also state that the



provisions do not reflect a clear preference for residential activity in that residential and non-residential buildings are both restricted discretionary activities. That is true for multi-unit developments (comprising more than 3 units) but overall it is incorrect in that a) Objective 2 states that “The Henley Downs Urban Activity Area develops with a predominantly residential character...” and b) that detached dwellings and complexes comprising up to 3 units are permitted, provided standards are met.

With respect to **commercial activity**, the issues relate to a) whether there should be a cumulative ‘cap’ on the amount of commercial provided within an Outline Development Plan (over and above which rigorous analysis is needed); the location of such commercial areas relative to the Jacks Point Village, and b) whether the maximum 200m<sup>2</sup> NFA should relate to all commercial activity as per the operative JPRZ; not only to retail.

As notified, the rules enable commercial and community activities of any scale within an approved precinct as a restricted discretionary activity, provided that retail tenancies are less than 200m<sup>2</sup>. If they are larger than 200m<sup>2</sup> then the status is still restricted discretionary activity but the discretion also extends to scale and it will be assessed against the objectives and policies; none of which discuss that the retail should only serve the local community and not undermine the Jacks Point village centre(s). If commercial or community activities are not located in a precinct, then it is assumed they become full discretionary as it would be inconsistent with the Outline Development Plan (but arguably they could also default to permitted). There is a risk that the objectives and policies may not be sufficiently strong to decline either retail over 200m<sup>2</sup>; or commercial and community activities outside precincts; or a relatively large node of commercial activity from establishing in an area remote from the Jacks Point village. It is noted that the activity status for such activities is similar to those in the JPRZ and are considerably weaker than in the LDR Zone.

The operative zone imposes a cap on the amount of commercial activity albeit that it is very large<sup>27</sup>.

Fundamentally, it is desirable to concentrate the majority of commercial activity within the Jacks Point village. That said, it is considered important that any ‘overspill’ should occur within Area MU/G of the Henley Downs Zone with only very small areas elsewhere and only as the exception rather than the norm<sup>28</sup>. To be effective, additional objectives, policies, rules, and assessment matters around the location, scale, and nature of any commercial and community activity outside Area MU/ G will be necessary.

Whilst it is probably unnecessary to cap the amount of commercial activity within Area MU/G provided the rules capping the 200m<sup>2</sup> NFA for individual tenancies is sufficiently strong, there is merit in capping the size of any commercial and community precinct outside that Area.

In order to consider whether the 200m<sup>2</sup> cap should relate to all commercial activity or only to retail, it is necessary to consider the adverse effects that are being discouraged through such a rule. Clearly, limiting the size of retail to 200m<sup>2</sup> discourages large or medium format retailers from locating there, which in turn avoids the amenity and traffic issues synonymous with such built form and avoids threatening the existing/ proposed retail hubs within Queenstown. This simple tool should enable a suburban shopping centre with a

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<sup>27</sup> The S. 32 report states (at pg. 21) that it could result in “perhaps as much as 13,500 m<sup>2</sup>” of commercial space.

<sup>28</sup> You are referred to paragraphs 3.3 - 3.9 of Mr Williams’ report regarding the importance of focusing such activity, along with MDH, in Area G rather than allowing it to disperse.

certain character to evolve, which services the needs of the greater Jacks Point area whilst not attracting significant patronage from elsewhere. The sorts of non-retail commercial that might be over 200m<sup>2</sup> and may be tempted to locate in Henley Downs might include offices, daycare facilities (although it is unclear whether it falls under community or commercial activity), showrooms, trade-related retail (which claim to include only a small retail component), and outdoor-based sales yards such as car sales, which have a very small NFA. Whilst it is considered that the risk is low of such uses a) being over 200m<sup>2</sup> and/or b) wanting to locate there, it is considered that largely due to the ambiguity with some of the definitions in the District Plan around retail and other commercial uses, then it is prudent to include all commercial activity within the 200m<sup>2</sup> cap. This also has the added advantage of being consistent with the JPRZ.

The plan change currently provides for **service activities** as a discretionary activity and **industrial activities** as non-complying<sup>29</sup>. The QLDC requests a specific area is set aside for service activities and RPL seeks that service and industrial uses have the same activity status.

You are also referred to Issue 7 for a discussion on where service activities should be located (i.e. within the ACRAA or the urban area). That section concludes that a specific service area should be provided for in the urban area.

As notified, at the Outline Development Plan stage, 'the appropriateness of proposed activities and their locations...' is listed as a matter of discretion however, the location of any service area is not specifically listed as a matter of discretion in the manner that other non-residential uses are and the assessment matter (v) relating to the comprehensiveness of the Outline Development Plan does not specify that the plan show the location of any service area(s).

The objectives and policies are weak in relation to service activities and the fact that the rules do not make a distinction between service activities within a location approved through an Outline Development Plan and service activities elsewhere further suggests it is not intended that such areas be shown at the Outline Development Plan stage. Rather, it seems to anticipate that that they will be approved on a case by case basis after the Outline Development Plan stage. It is considered inappropriate for the location of service activities to be determined in this manner and that, instead, it should be identified within the Structure Plan or, failing that, at the Outline Development Plan stage.

Identifying a service area<sup>30</sup> in the Structure Plan means that service activities within that area could then be a controlled activity (subject to standards), which is more efficient and provides greater certainty for all parties; and that the rules could be far simpler (e.g. make all service activity non-complying outside the Service Activity Area and include a policy to avoid service activities outside of that area). The policies enabling service activities within the ACRAA would also be removed. A further benefit of this approach is that it would be consistent with other special zones in the district, which clearly identify in the Structure Plan where most if not all non-residential uses will occur.

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<sup>29</sup> The ACRAA policies anticipate service and infrastructure for the greater Jacks Point area (and buildings that provide such infrastructure) occurring in the ACRAA but it is unclear what is meant by infrastructure and whether this might be captured by industrial activities or service activities.

<sup>30</sup> E.g. In the Millbrook Resort Zone, the Structure Plan shows an area called resort services (S), which is specifically for service and maintenance facilities for other activities in the zone. No evidence has been provided in the S 32 report to suggest any service activities unrelated to the establishment of the zone(s) is appropriate in this location.

RPL supports providing for service activities but considers that service and industrial uses should have the same activity status as the two definitions overlap and could cause problems. The only overlap in the definitions is, in fact, the 'storage of goods', which appears in both. As it is generally unusual for an activity to be only for storage, normally the applicant would look to the other activities that were proposed (e.g. transport or manufacturing) to determine what kind of activity it is and hence, the consent status. If the activity involved some service activity and some industrial activity then the application would be non-complying. If the activity only involved storage then the applicant would logically apply for a service activity. As such, having different activity statuses for the two activities is not considered to raise any significant issues and need not be changed.

The policies enable **visitor accommodation** where residential amenity is not undermined and encourage it to co-locate within MDH Precincts. The expectation is that visitor accommodation locations will be shown as part of the Outline Development Plan but there is no discretion over the location of visitor accommodation at the Outline Development Plan stage and, as there is no *requirement* to locate it within a MDH precinct or visitor accommodation precinct, the rules essentially allow visitor accommodation anywhere in the zone. I.e. there is no benefit to the applicant in showing where visitor accommodation is intended at the Outline Development Plan stage and provided it will not undermine residential amenity (policy 2.4) then it would likely be approved. Experience in the district has shown it is difficult to decline visitor accommodation on the basis of adverse effects on residential amenity and cohesion, especially in relation to the cumulative effects of small visitor accommodation. Whilst the risk of a lot of visitor accommodation establishing at Henley Downs is likely to be small, given the Queenstown Lakes experience of residential areas being diluted by visitor accommodation, it is appropriate to provide more control over it at Henley Downs. This could be done by requiring visitor accommodation to be located within identified visitor accommodation areas, which shall be located either within Area MU/G or in MDH Precincts, with all other visitor accommodation being non-complying. By comparison, the JPRZ is clear that visitor accommodation is required to be shown at the Outline Development Plan stage and that it is discretionary (for the activity) and non-complying (for the building) to locate anywhere other than in the village and lodge areas.

## Recommendations and Reasons

In order to provide greater certainty over the extent and location of non-residential activities, it is recommended that:

- A rule be added allowing non-residential activities to occur within (approved precincts within) Area G as a controlled activity and in Areas F, D, and E, as a restricted discretionary activity (subject to standards and assessment matters, as listed below) and making commercial and community activities non-complying elsewhere.
- Objective 2 and the associated policies be amended as follows to avoid the dispersal of non-residential uses:

### ***Objective 2: Urban Activity Area***

***The Henley Downs Urban Activity Area develops with a predominantly residential character, incorporating a range of residential densities and, at its core, a consolidated area of compatible non-residential activities in an efficient, safe, healthy, vibrant and attractive urban setting, which supports the Jacks Point village and Area G to become the vibrant commercial and community 'heart' of the Jacks Point community.***

*Policies ...*

- 2.4 Visitor accommodation, retirement villages, commercial activities and community activities are enabled where residential amenity will not be adversely affected 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 ...
- 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~~ required to locate in accordance with the Structure Plan and subsequent Outline Development Plans in order to minimise adverse effects on residential amenity ~~than the rest of the Henley Downs Zone~~.
- ...
- 2.9 Hours of operation...
- 2.10 Noise emissions ...
- 2.11 The urban structure (including road layout, cycle and walking networks, landuse densities, the location of commercial and community activities, 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.
  - (v) Create a commercial and community focus in Area G which compliments and adds to the vibrancy of the Jacks Point Village.

NB: An alternative objective (Objective 4) and policies based on the above are included in Appendix B, with the intention of strengthening the case for a consolidated core of non-residential uses and a separate service area, leaving the rest of the area as almost exclusively residential neighbourhoods.

- More directive assessment matters be added to assist in ensuring the appropriate location of such commercial precincts, including an analysis of how that scale of commercial activity and its location will positively contribute to the wider Jack's Point area and village centre within the existing Jack's Point Resort zone; and the proximity of the proposed precinct to the existing JPRZ; and how the design will draw on the existing character, scale and pattern of development.
- A zone standard or definition be added, limiting the total size of any commercial and community precinct (potentially excluding commercial recreation activities) to 550m<sup>2</sup><sup>31</sup> in order to ensure it does not detract from the Jacks Point village and the MU/G Area.

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<sup>31</sup> By comparison, the Fernhill shopping centre is 695m<sup>2</sup> (some 1.8 km from the Queenstown CBD) and the dairy, etc. on Adamson Drive (some 770m from the Arrowtown commercial area) is 514m<sup>2</sup>

- A “Resort Services” (S) Activity Area (of around 3 hectares<sup>32</sup>) be shown on the Structure Plan to provide for activities related to the establishment of the greater Jacks Point area<sup>33</sup>, with all other service activities being non complying. The policies anticipating such activities within the ACRAA will also need to be removed<sup>34</sup>.

- Rule 12.30.2.2(i) be amended as follows:

**12.30.2.2 Restricted Discretionary Activities**

...

**(i) Outline Development Plans**

*An Outline Development Plan with the exercise of Council's discretion limited to:*

...

*f. The location of Medium Density Housing Precincts, Commercial and Community Precincts; and visitor accommodation.*

- The following new non complying rule be added:

**12.30.2.4(viii) Visitor accommodation, commercial, and community activities**

Any visitor accommodation, commercial, or community activity that is not located within an approved MDH or commercial and community precinct, as is relevant to the proposed activity.

## 9. THE QUALITY/ CLARITY OF THE PROPOSED PROVISIONS

### The Issues and Decisions Requested

Three submitters (the ORC, QLDC, and RCL) have submitted on the clarity of/ possible improvements to the Outline Development Plan provisions and other miscellaneous provisions<sup>35</sup>.

These submissions relate to the following provisions/ issues:

- The Outline Development Plan process
- Non-residential activities
- Adherence to the Structure Plan
- Building height
- Earthworks
- Hazardous substances
- Notification
- Phrasing particular assessment matters in the positive rather than the negative and amending the assessment matter relating to cul de sacs to make it less specific.

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<sup>32</sup> Or as proposed at the hearing by the requestor. NB This suggested area is based the area set aside at Millbrook, which is 4.27 ha in size, with approximately 3.5 ha of this currently being used and the area of the maintenance compound at Jacks Point (as described in RM090332), which sits on a site of approximately 6 ha, with the formed area and buildings taking up 2,400m<sup>2</sup> plus access.

<sup>33</sup> This is the option reflected in Appendix B

<sup>34</sup> If the ACRAA is retained at all.

<sup>35</sup> Others have also commented generally on the lack of clarity of some of the provisions and the uncertainty as to what will actually result from the Plan provisions, although they have not requested specific improvements.

The ORC's submission and one of RCL's submission points simply request that any consequential amendments are made to give effect to those submissions and, as such, these are not specifically discussed below.

## Discussion

### The Outline Development Plan process

The QLDC requests that:

- Proposed Objective 2 and Policies 2.1 and 2.2 are strengthened to enable council to decline significant deviations from an Outline Development Plan.
- Any activity inconsistent with an Outline Development Plan be non-complying.
- An assessment matter be added, requiring that a suitably qualified designer submit analysis diagrams illustrating how the site and context have been considered and have informed the proposed Outline Development Plan.

In the previous section, it is recommended that Objective 2 is amended as follows (or similar):

*Objective 2: Urban Activity Area*

*The Henley Downs Urban Activity Area develops with a predominantly residential character, incorporating a range of residential densities and, at its core, a consolidated area of compatible non-residential activities in an efficient, safe, healthy, vibrant and attractive urban setting, which supports the Jacks Point village and Area G to become the vibrant commercial and community 'heart' of the Jacks Point community.*

As an alternative, Appendix B (being proposed amendments to the Resort Zone provisions) proposes the following objective instead:

*Objective 4: The Henley Downs part of the JPRZ has a predominantly residential character, with its mixed density residential neighbourhoods focused around a core of consolidated non-residential uses and higher density housing, which are intended to support the Jacks Point village to become the commercial and community hub of the Jacks Point community.*

As amended, either option provides considerably more direction as to the overall desired outcome. The related policies should also be amended to provide further detailed direction. It is considered that, together, these amendments will result in a sufficiently robust framework in order to ensure adherence to the Structure Plan and resultant Outline Development Plans.

As notified, any activity that is inconsistent with an Outline Development Plan is a discretionary activity. This is not considered to provide sufficient certainty over outcomes or to enable effective comprehensive planning. If, for example, the density is determined and approved at the Outline Development Plan stage and then an individual applies to amend that in a piecemeal manner, then they should have the option of a) applying for a variation to the Outline Development Plan as a restricted discretionary activity or, if they do not wish the issues to be considered comprehensively through a variation to the Outline Development Plan then they must apply for the amended density as a non-complying resource consent. This way, there is an incentive embedded into the provisions to:

- a) Ensure that the Outline Development Plan process is undertaken as a serious exercise;
- b) Discourage piecemeal changes that are inconsistent with ODPs which both undermines the Outline Development Plan approval process and makes on-going administration of consents difficult; and

- c) Encourage applicants to apply for a variation to the Outline Development Plan which means that the wider consequences of the variation can be considered.

In response to the Council's request that an assessment matter be added signalling the need for an urban design assessment to be provided as part of an Outline Development Plan application, it is noted that there is no evidence of any detailed master planning or urban design assessment having been undertaken for the site, as would often be the precursor to formulating the Structure Plan and determining a clear vision for the development. Therefore, it is appropriate that such an assessment matter is added, along the lines of the submission.

#### Non-residential activities:

The QLDC seeks an amendment to 12.30.2.2(iii) clarifying that it relates to both activities and buildings and the removal of duplication in that rule. Site Standard 12.30.2.2(iii) states:

**(i) 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.*

Whilst it is not immediately evident from the heading of the rule, part a) should provide sufficient clarification that the rule relates to both the activity itself and the built form and therefore no amendment is required in that respect. It is, however, appropriate to remove (f) as it duplication with (a).

#### Structure Plan

The QLDC is assumed to seek that an application that is inconsistent with the Structure Plan should be non-complying.

Notably, whilst Policy 1.1 requires that "The Henley Downs Structure Plan is adhered to..." there is no rule requiring this which is an oversight that should be rectified. It is recommended that inclusion of a zone standard based on the Three Parks Zone rule will ensure consistency with the Structure Plan whilst enabling some movement of boundaries, intersections, and roads, in order to enable more efficient administration later on.

#### Building Height

RCL request the following clarification of Site Standard 12.30.4.1(v):

**(v) Building height**

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

The suggested amendments are considered to clarify the provision and should be accepted, along with the amendments to this same rule outlined in the previous section in this report. NB: the new rule recommended below includes both these amendments.

### Earthworks

The QLDC seeks that the permitted volume of earthworks be increased from 100m<sup>3</sup> to 200m<sup>3</sup> and the area from 200m<sup>2</sup> to 400m<sup>2</sup>. This is appropriate given the conclusions of the effectiveness and efficiency monitoring of the earthworks rules recently undertaken by the Council as part of its District Plan review.

### Hazardous Substances

The QLDC seeks that the Henley Downs Zone (if accepted) should be specifically included within Table 1 of Part 16 so that the limitations and regulations on hazardous substances can be applied to it (noting that, as notified, none would apply). It is considered appropriate that the rules in this section are applied to this Zone, in the same way that they currently apply to the resort zone).

### Notification

The QLDC requires that the non-notification rule apply only to restricted discretionary activities resulting from a breach of a site standard, and not 'listed' restricted discretionary activities such as 'non-residential activities' and the 'sale of liquor'.

As notified, the listed restricted discretionary activities are:

- Outline Development Plans;
- Residential buildings that include over 3 units;
- Non-residential activities/ buildings (in areas approved in an Outline Development Plan);
- The sale of liquor.

It is common practice throughout the District Plan to specifically enable Outline Development Plans to be processed on a non notified basis in order to provide a degree of efficiency/ certainty (regarding timing at least) to the developer whilst providing council with the added level of control that it gains from the restricted discretionary activity status. Notably, given that the operative zoning for this land requires only a non-notified controlled resource consent for approval of an Outline Development Plan, the plan change represents an increase in control over the Outline Development Plan process.

It is considered that Outline Development Plans should be non-notified with the exception that notice may be served on landowners of adjoining land beyond the Outline Development Plan where they may be affected by:

- a) A proposed roading connection (or lack thereof); and/ or
- b) A commercial, visitor accommodation, community, or MDH precinct or multi-unit site that is proposed on the boundary of the Outline Development Plan and adjoining land.

As it is non complying to construct more than one residential unit on a site unless the site is identified for this purpose as part of an approved Outline Development Plan (12.30.4.2(v)), there should be a high level of certainty to a neighbour at the time a multi-unit development is developed as it will be clearly identified on the Outline Development Plan and, as such, it is considered appropriate that this activity need not be notified or approvals sought.



As non-residential uses need to be approved at the Outline Development Plan stage, it is considered unnecessary for them to be notified at the detailed resource consent stage (for reasons similar to those cited directly above). This is contingent on service and visitor accommodation activities being identified through the Structure Plan/ Outline Development Plan stages.

The sale of liquor is a restricted discretionary activity across the zone. As this is not limited to approved commercial, community, and visitor accommodation precincts, then it does need to be potentially able to be notified. That said, it would be more appropriate if the sale of liquor were limited to the precincts and non-complying elsewhere. If this were changed, then it could be non-notified within the approved precincts.

Whilst the QLDC seems to accept that breaches of standards other than setbacks need not be notified, the submissions on residential amenity and the overall quality of the development provide scope to consider whether it is appropriate that all such breaches be processed non-notified/ without approvals. Whilst the internal setback site standard is excluded from the non notification clause (which is appropriate given that neighbours need to be consulted on this matter), the following should also be able to be notified or affected party approvals required, if deemed necessary on a case by case basis:

- Retail over 200m<sup>2</sup> (12.30.4.1(ii)). Alternatively, this could become a zone standard, as recommended under Issue 7 of this report and, as such, would not be captured by the non-notification clause.
- Building height in the precincts ((12.30.4.1(v)). Alternatively, this could become a zone standard, as recommended Under Issue 5 of this report and, as such, would not be captured by the non-notification clause.
- Earthworks within proximity of the boundary (12.30.4.1(iii)(2))

In finalising the provisions, a final check of the non-notification clause should also be undertaken to check that all standards etc. that need/ need not trigger the need for notification have been captured.

Phrasing particular assessment matters in the positive rather than the negative and making the assessment matter relating to cul de sacs less specific.

The fact that the plan change includes detailed assessment matters in relation to urban design matters signals a clear commitment by RCL to achieve a high standard of design. However, since drafting the notified version of the Plan Change, RCL has undertaken further work in regard to potential subdivision layouts, etc. and, as a result, RCL submits that strongly worded assessment matters can unreasonably elevate their significance and, in turn, requests that the assessment matters be re-phrased to encourage desirable outcomes rather than to avoid undesirable outcomes. Similarly, RCL has reviewed other assessment matters and concluded that there is a risk of them being interpreted too literally. RCL also cites, in its reasons, that the assessment matter encouraging north-south lot alignments fails to account for the fact that there will be occasions where other alignments are preferable and that, with respect to cul-de-sacs, an appropriate maximum length is likely to vary depending on the development context and design solutions employed.

There is considered to be no problem with re-phrasing the assessment matters in the manner requested and in removing or reducing the importance of the specific length of cul de sacs. This is particularly so given the recommendation that there is an assessment matter included requiring that an urban design assessment is lodged with and informs all Outline Development Plans. Ensuring that appropriately qualified personnel are assessing the various design based assessment matters means that they can be more outcome-based rather than being so prescriptive.

## Recommendations and Reasons

In order to ensure that the Structure Plan and Outline Development Plans are adhered to and to improve the quality of the provisions, it is recommended that:

- Objective 1 and the subsequent policies be amended as per the recommendations in the previous sections of this report and as follows in order to provide the Council with greater control over deviations from the Structure Plan:

### ***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 to ensure for<sup>36</sup>:*

- development ~~to be~~ is located within ~~an appropriately~~ the defined urban area;*
- Specified residential densities ~~to not be exceeded~~ are achieved in different parts of the site;*
- important road connections to be made through, to and from the site;*
- Areas of Biodiversity Values are ~~to be~~ identified and appropriately managed.*
- Non-residential uses are clustered in Area G in a manner which support and compliments the Jacks Point village and that any non-residential outside Area G are of a small scale; are compatible with the landscaped, predominantly low density residential character of the main road, and do not detract from the importance of achieving a vibrant community core within Area G.*

1.2. *Development is not highly visible from State Highway 6 and Lake Wakatipu*

1.3. *In development areas A, H, I, J, 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.*

1.6. *Residential development in Areas B, C, D, E, F, and G shall be in accordance with the required density ranges in order to ensure efficient development of the land; to ensure a range of densities is achieved; and to provide certainty in terms of the scale of the ultimate capacity of the Henley Downs Zone.*

- Objective 2 be amended as recommended in the previous section and that the subsequent policies be further amended as follows<sup>37</sup> in order to provide the Council with greater control over deviations to the Outline Development Plan:

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<sup>36</sup> If the JPRZ is retained for the land then the existing JPRZ policies 3.4 and 3.8 and the proposed policies 3.21, 4.1, and 4.2 are equally effective as those outlined below (refer Appendix B for those).

<sup>37</sup> If the JPRZ is retained for the land then the proposed policies 4.1, 4.3, 4.5, and 4.6 are equally effective as those outlined below (refer Appendix B for those).

*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~~ is developed in a comprehensive and integrated manner approach to planning.*

2.2 *Development in the Urban Activity Area is consistent with an approved Outline Development Plan.*

2.x *Avoid non-residential activities in R areas other than where small scale precincts have been approved for this express purpose at the Outline Development Plan stage*

2.x *Enable community and commercial precincts and MDH precincts only in Areas D, E, F, and within 10 minutes' walk of the main road or an existing public transport route; and not readily visible from the main road*

2.x *Avoid service or industrial activities other than those expressly provided for within the Structure Plan/ Outline Development Plan and ensure that such activities are contained only to the activity Area or approved precinct.*

2.x *Require the majority of MDH, commercial and community activities to be located within Area G*

- That an assessment matter be added, requiring that a suitably qualified designer submit analysis diagrams illustrating how the site and context have been considered and have informed the proposed Outline Development Plan.
- The following zone standard be included in the provisions (in place of the site standard), in order to provide greater control over deviations from the Outline Development Plan:

**Zone standard - Outline Development Plan**

(a) *No subdivision or development shall take place within an individual Residential (R) or (G) Activity Area<sup>38</sup> shown on the ... Structure Plan unless an Outline Development Plan has been lodged with and approved by the Council pursuant to Rule 12.2.3.2b(i) with respect to at least that area contained within each individual development area shown on the Structure Plan.<sup>39</sup>*

(b) *No activity (including subdivision or development) shall take place within any Residential (R) or (MU/ G) 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.*

- Restricted discretionary activity rule 12.30.2.2(iii) be amended as follows in order to remove duplication:

**(ii) 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:*

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<sup>38</sup> This means that development can occur in absence of an Outline Development Plan in the Open Space, Rural Living, and Resort Service Areas.

<sup>39</sup> There is a question whether Outline Development Plan should relate to 'all of the area' and what they really means) or only to (at least) the development area, which the developer is wishing to develop.

- 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.*
- The following non complying rule be included in the provisions, in order to ensure adherence to the Structure Plan (noting that the text in brackets may not be relevant depending on the final form of the Structure Plan, in which case it should be removed):

12.30.2.4(vi) Structure Plan

All activities and development (including buildings and applications for ODP's) shall be in accordance with the Structure Plan, except that:

- i All activity area boundaries (and key connection points shown as 'fixed' on the Structure Plan) may be moved up to 20 metres (and all collector roads shown on the Three Parks Structure Plan may be moved up to 50 metres) in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting.
- ii All roads and other elements shown as 'indicative' on the Structure Plan may be moved or varied provided they are generally in accordance with and achieve the Structure Plan and the relevant objectives and policies).
- iii Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent boundary (or boundaries) shall take precedence over that shown in the Structure Plan.

Note: An Outline Development Plan which in any way obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Structure Plan will be a non complying activity.

- Site Standard 12.30.4.1(iii) be amended as follows, in order to improve efficiency:

*Volume of Earthworks*

*The total volume of earthworks does not exceed 400 200m<sup>3</sup> per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.*

*The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 200 400m<sup>2</sup> in area within that site (within a 12 month period).*

Note: There are other amendments suggested to the earthworks rules in relation to the wetland, contained elsewhere in the report.

- Table 1 of Part 16 be amended as follows, in order to retain the control over hazard substances that currently exists (no change required if the land stays within the JPRZ):

TABLE 1: QUANTITY LIMITS FOR HAZARDOUS SUBSTANCES IDENTIFIED IN SCHEDULE 1

RURAL, RESORT, HENLEY DOWNS ZONE, GIBBSTON CHARACTER, HYDRO GENERATION, RURAL VISITOR ZONE, BENDEMEER, PENRITH PARK ZONES AND ACTIVITY AREAS 3 AND 8 OF THE REMARKABLES PARK ZONE

| Schedule 1 Class  | Column A      | Column B |
|-------------------|---------------|----------|
| 1a – storage only | 2.5kg         | -        |
| 1b – storage only | 15kg          | -        |
| 2                 | 250 litres    | -        |
| 3a*               | 2,000         | -        |
| 3b, 3c            | 3,000 litres  | -        |
| 3u                | 10,000 litres | -        |
| 4.1               | 10 kg         | -        |
| 4.2, 4.3          | 1,000kg       | -        |
| 5.1               | 1,000kg       | -        |
| 5.2               | 10kg          | -        |
| 6                 | 1,000 litres  | -        |
| 7                 | 1,000 litres  | -        |
| 8.1               | 20 litres     | -        |
| 8.2               | 20 litres     | -        |

- Notes:**
1. The use of high explosives is a permitted activity in all zones, but is subject to the Explosives Act and any subsequent legislation.
  2. The 50 litre restriction does not apply to petrol and other flammable 3a flammable liquids contained in a fuel tank of an internal combustion engine.

- Section 12.30.3 regarding the “non notification of applications” be amended as follows, in order to ensure full and/ or limited notification can occur where appropriate on a case-by-case basis:

~~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.~~

#### 1.20.3 Non-Notification of Applications

i Except as provided for by the Act, all applications for controlled activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.

ii Except as provided for by the Act, the following restricted discretionary activities (including those that breach certain site standards as outlined below) will be considered without public notification or the need to obtain the written approval of or serve notice on affected person;

- Outline Development Plans, except as provided for in 12.20.3(iii)(a)below
- Residential buildings
- Non-residential activities
- Sale of liquor, except as provided for in 12.20.3(iii)(a)below
- Earthworks in breach of Site Standard 12.30.4.1(iii)(2)(a), except as provided for in 12.20.3(iii)(b)below

iii Other than provided for by the Act, the following restricted discretionary activities will be considered without public notification but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval:

- Outline Development Plans, where the owners of land adjoining the Outline Development Plan may be affected by a) a proposed roading connection (or lack thereof); or b) by a commercial, visitor accommodation, community, servicing, or medium density housing precinct or multi-unit site that is proposed on the boundary of the Outline Development Plan and that owner’s adjoining land.
- Applications for earthworks in breach of Site Standard 12.30.4.1(iii)(2)(a).
- The sale of liquor, pursuant to 12.30.2.2(iv) outside a commercial, visitor accommodation, or community precinct approved through an Outline Development Plan.

Note:

- Notification decisions in relation to a breach of any other site standards will be made in accordance with the Act.
- For the purposes of this clause, “adjoining” means land that shares a boundary with the part of the Henley Downs Zone to which the Outline Development Plan relates.
- For the purposes of this clause, an Outline Development Plan includes a variation to an Outline Development Plan

Note: the improvement to the wording of the height rule suggested by RCL has been incorporated into the more substantive amendments suggested to the height rule, elsewhere in the report.

- The following assessment matters be amended in the following manner in order to make them less prescriptive whilst still being clear about the desired end outcome:

*In regard to indicative subdivision design:*

*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:*

*i block sizes larger than 1.5 ha or smaller are encouraged; and*

*ii block lengths (between intersections, not including rear service lanes) longer than 200m or shorter are encouraged should be avoided.*

*b. In Commercial and Community Precincts and Medium Density Housing Precincts where practical:*

*i. block areas exceeding 0.8 hectares or smaller are encouraged; should be avoided.*

*ii. block lengths longer than 100m or shorter should be avoided are encouraged unless they front roads which are designed to move substantial amounts of traffic from the Greater Jacks Point area.*

*(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.~~*

*In regard to **roading**:*

*Whether the roading pattern realises opportunities to connect streets. Where practical, subdivision layouts are encouraged to minimise the number of cul-de-sacs, except aside from those that are short (no more than 75m) and straight, should be avoided. Instances where avoiding cul-de-sacs that are not short and straight may prove impractical may include where:*

*Terrain or site constraints ... necessitate cul-de-sacs that are not short or straight in order to access lots.*

## 10. THE ACRAA

The plan change proposes to expand the urban areas beyond those enabled under the operative Structure Plan, meaning that:

- a) There are no longer proposed to be swaths of land between each urban / residential development area;
- b) The urban areas extend into the area that is currently zoned as open space; and
- c) The urban area as a whole is considerably larger than under the site's operative zoning.

The below plan<sup>40</sup> compares the extent of the notified urban areas<sup>41</sup> (being all those areas shown in yellow and orange) as compared to the urban areas identified in the operative Structure Plan (shown in yellow)<sup>42</sup>:



The land beyond the orange areas above has been re-zoned from ‘Open Space’ to a new ‘Agricultural, Conservation, and Recreation Activity Area’ (ACRAA); introducing a suite of new provisions.

**The Issues and Decisions Requested**

With regard to the ACRAA, submitters sought vastly different relief, as follows:

- Three submitters request that the operative (Jacks Point) open space areas be retained (in preference to the new ACRAA);
- RCL Queenstown requests that the activity status of development in the ACRAA not be increased to non-complying yet accepted that amendments to the provisions or the application of the Rural General Zone provisions to this area may provide greater assurance that only appropriate development should occur.
- Henley Downs Farm Holdings Ltd requests that the provisions be further relaxed to a) enable education, rural-based tourism, community, visitor accommodation and service activities/ buildings (whilst maintaining its landscape, environmental, and open space values; and b) clarify that agricultural buildings include a residential dwelling for the farm owner.
- The QLDC’s submission requests that:
- The more sensitive urban areas (A H, I, J and K) be included in the ACRAA;

<sup>40</sup> Included as an Appendix to the landscape assessment included with the notified plan change material

<sup>41</sup> RCL has submitted that the urban activity area be expanded further than those that were notified but no update of the above plan is available at this time.

<sup>42</sup> As recently approved through an Outline Development Plan

- The ACRAA be divided into three sub-areas; each with its own objectives and policies to better reflect their varying values;
- The rules protect the ACRAA from subdivision and development, with subdivision being discretionary or non-complying rather than controlled;
- An area for infrastructure and servicing be identified on the Structure Plan rather than explicitly providing for it in the ACRAA
- That Policy 3.5 be amended to delete any reference to servicing buildings; to provide greater certainty in terms of what buildings are anticipated; and to accurately and clearly reflect the values that are to be maintained in the ACRAA.

## Discussion

At a broad level, the Council must decide which of the following zoning options is most appropriate, having regard to costs, benefits, effectiveness, and efficiency:

- ACRAA, as notified
- ACRAA, with amendment to strengthen the controls on inappropriate development
- ACRAA, with amendment to expand the range of/ weaken the controls over allowable buildings and activities within the ACRAA.
- The operative Jacks Point open space area(s)
- The operative Jacks Point open space zoning, with amendments specific to the Henley Downs Zone/ the Henley Downs part of the Resort (Jacks Point) Zone.
- Rural General zoning

Attached as **Appendix G** is an analysis of the various options. In undertaking this analysis, the degree of ‘appropriateness’ is considered in light of how well the option will achieve the following objectives of the operative District Plan and the proposed plan change (as well as the efficiency of each option):

### *4.2.5. District-wide Objectives:*

*Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values<sup>43</sup>.*

### *12.1.4 Objectives and Policies - JPRZ:*

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

### *12.30. Proposed Henley Downs Zone Objectives*

*Objective 3: 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.*

In considering these options, you are also referred to Sections 3, 4, and 6 of Dr Read’s report, attached as **Appendix E**. Whilst Dr Read considers that the objectives and policies are generally appropriate, she has concerns about the references to ‘supporting’, ‘infrastructure’ and ‘services’ and inferences that the land will be ‘used’ and, more specifically, used for service activities. In summary, she considers that, on balance, the ACRAA provisions are more liberal/ permissive than those of the Jacks Point (open space) areas or the Rural General Zone and, in turn, she favours retaining the Jacks Point (open space) area.

## Recommendations and Reasons

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<sup>43</sup> The ACRAA includes both VAL’s and ONL’s



In order to better protect the open space/ ACRAA from inappropriate development, it is recommended that:

- The ACRAA (and its provisions) be deleted and the respective operative open space activity areas of the JPRZ be retained and amended in the manner outlined below.
- The operative open space provisions be amended as they relate to the Henley Downs part of the Zone, as follows in order to improve their effectiveness:
- Make subdivision non-complying unless it is for the express purpose of enabling an approved or permitted landuse activity, in which case it should be controlled;
- Clarify that building or activities inconsistent with the Structure Plan are non-complying
- Clarify that the Part 4 objectives and policies also apply
- Add stronger and more directive objectives and policies, if deemed necessary to better protect the open space area.
- Service activities/ buildings and those other activities/ buildings requested Henley Downs Farm Holdings Ltd not be enabled in the open space/ ACRAA.

The commissioners may also wish to consider adding a limit on the size of building allowed in the open space area (i.e. those that are controlled due to being consistent with the use specified for the area such as a playground or public toilet, for example). A maximum area of 40m<sup>2</sup> is imposed for such buildings in the Millbrook Resort Zone, for example.

## **11. LANDSCAPE VALUES WITHIN THE NOTIFIED URBAN ACTIVITY AREA AND THE APPROPRIATENESS OF THE URBAN BOUNDARIES**

### **The Issues and the Decisions Requested**

Submissions were received from the QLDC and RCL in relation to these matters.

The QLDC requests that:

- Rules be strengthened to ensure ridgelines and landscape features (such as the mound within Area G) be retained/ potentially left un-built;
- Where landscaping needs to reach a certain height to achieve good screening of development, rules require this to occur before development commences.
- Buildings outside building platforms in Areas A, H, I and K should be a non-complying activity. This point is essentially a sub-set of the Council's submission that any proposal that is inconsistent with an Outline Development Plan should be non complying.

RCL requests that:

- A new urban Activity Area (L) be added to the Structure Plan within the ACRAA and an Assessment Matter (pg. x-15) (in regard to the location of building platforms) be included in relation to the visibility of buildings within the newly proposed Area L from Lake Wakatipu.
- The notified Structure Plan be amended to (amongst other things) alter various development area boundaries.

### **Discussion**

You are specifically referred to the landscape report which is attached as **Appendix E** and which considers these matters in some detail.

The following discussion is split into the following sub-issues:

- a) Landscape values within the urban Activity Areas
- b) Mitigation planting in relation to the State Highway
- c) Expansions to the Urban Activity Areas (in comparison to the operative zoning and then in relation to those requested in RCL's submission)

#### Landscape values within the Urban Activity Areas (UAA)

The notified assessment matters relating to earthworks (Pg. x-21), roading (Pg. x-15), open space (Pg. x-17), and stormwater (Pg. x-18) consider the extent to which ridges and prominent slopes are to be modified. They specifically encourage consideration of whether it is appropriate to allow curved roading so it can better respond to the landform; whether the south face of the mound in Area G will be retained and undeveloped; and whether stormwater systems are included in the public realm. Whilst there is a genuine attempt to alert planners to this issue there is no certainty that key features will be protected from earthworks and development. To the contrary, the JPRZ protects such features through including such topographical features in the open space area(s). In turn, buildings in such areas are non-complying (or controlled if ancillary to golf, open space or outdoor recreation). In the JPRZ the landscaping of such public space is a specific matter of discretion.

It is considered that the four landscape features identified in Dr Read's report should be included within the open space area (or ACRAA if retained) and shown as such on the Structure Plan. This is considered the most effective and efficient way of ensuring that these area will not be modified or built on and will be appropriately landscaped and connected into the developed areas and beyond.

#### Mitigation planting in relation to the State Highway

Proposed Activity Areas B and C are relatively prominent, when viewed from the State Highway if not well screened, development in those areas could significantly adversely affect views from the State Highway.

In comparison, in the operative zoning, a) development is not enabled on these more prominent areas (B and C) and b) landscaping is controlled and it is discretionary to plant/grow any tree which may or does obscure views from the State Highway to the mountain peaks beyond the zone. This can be compared with the notified provisions which, whilst there is specific discretion over mitigating visibility from the SH and assessment matters there are no rules relating to landscaping within the ACRAA. Whilst there is no rule regarding the preservation of the expansive mountain views from the State Highway, Dr Read has advised that this is not particularly relevant in relation to the Henley Downs site.

Given the sensitivity of these areas<sup>44</sup>, it is recommended that, rather than relying on an assessment matter, a zone standard be added requiring that approved mounding and planting is completed and has reached sufficient maturity to achieve total screening before construction in these areas commences. Such a rule would relate to any resource consent application for an Outline Development Plan (or variation thereto) or any dwelling(s) applied for in the absence of an Outline Development Plan. This will avoid the existing situation at Jacks Point where, while dwellings are intended to be screened by re-contouring and vegetation, this will take many years to achieve, if at all.

#### Expansions to the Urban Activity Areas

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<sup>44</sup> As expressed in both the attached report from Dr Read and in the Landscape Assessment by Ben Espie, included with the plan change

The notified Plan Change proposes significant expansions to the Urban Activity Areas (UAA) (i.e. the R and V areas in the operative zoning). Then, in its submission, RCL requests the following amendments to the notified UAA:

- A new Area L within the ACRAA
- Shifting the upper boundary of Area J down to below the ridge line
- Extending Area K down the slope to meet the new, lowered boundary of Area J and an extension of Area K, wrapping around the northern boundary of K
- A continuation of Area I a short distance further up the slope
- A small western movement of the boundary of Area F (just below Area I)
- An expansion of Area B.

It would be useful if RCL could provide a single plan overlaying the notified and submission versions of the Structure Plan at the hearing so that a simple comparison can be made.

Dr Read's attached report includes an assessment of the appropriateness of the expanded UAA as notified and an assessment of the appropriateness of Area (L), as requested by RCL in its submission. In summary, Dr Read is of the opinion that:

- Area A can be included in the UAA in the manner proposed and can absorb the additional dwellings proposed provided clear landscaping requirements focused on retaining existing trees and undertaking new plantings
- Areas B and C can be included in the UAA generally in the manner proposed provided a) landscaping in relation to screening from the state highway is assured and b) Woolshed Creek and the gully are included within the open space activity area. However, she is concerned about the density proposed and the fact this will discourage or prevent sufficient planting to mitigate the effect on views from the Remarkables Park area.
- Areas D, E, and F can be included in the UAA in the manner proposed and as amended by RCL's submission. However she is concerned about the density proposed and the fact this will discourage or prevent sufficient planting necessary to soften the medium density built form.
- Area G should not be expanded to include the hillock area but should more closely reflect the area shown on the operative zoning, with the hillock and, in particular, its south face, being included in the open space area. She is also concerned that the predominance of medium density housing development in this area could be much more homogeneous in form and type than the village development anticipated under the operative zoning, which could have an adverse effect on the views from residences within Jacks Point.
- Area H should be included as a Homesite, as per the JPRZ
- Area I can be included in the UAA in the manner proposed and as amended by RCL's submission and can absorb the 8 dwellings proposed in RCL's submission (albeit that it should perhaps be subject to controlled activity status rather than permitted).
- Areas J and K should be merged and, whilst they can be included in the UAA in the manner proposed and as amended by RCL's submission, together they can only absorb 14 dwellings (subject to controlled activity status rather than permitted) as opposed to the 104 proposed in the notified version and in RCL's submission (i.e. 1 unit/ ha).
- Area L should be included as a Homesite, as per the JPRZ

If the commissioners do not concur that Area L should be a 'homesite'<sup>45</sup>, then the additional Assessment Matter (pg. x-14-15) (in regard to the location of building platforms)

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<sup>45</sup> i.e. Allowing for 1 house per site and applying the Jacks Point Resort Zone homesite rules.

proposed in RCL's submission should be included in relation to the visibility of buildings within the newly proposed Area L, when viewed from Lake Wakatipu and buildings in areas L and H should be a controlled activity within the building platform (rather than permitted). Buildings within the platforms in Areas A, I, and J/K should potentially also be controlled.

Given the above comments it seems logical that the UAA should be split into the following sub categories:

- Residential (R) - B, C, D, E, and F
- Mixed Use - (MU) - G
- Rural Living (RL) - A, I, J/K (to be renamed J)
- Homesites - H and L (to be renamed HS37 and HS3 - JPRZ)

## Recommendations and Reasons

It is recommended that:

- The following landscape features be included in the open space activity area in the Structure Plan in order to ensure they are protected from earthworks and development and are appropriately landscaped and established as part of the trail network<sup>46</sup>:
- The mound/ hillock within area G;
- Woolshed Creek between Areas A and B on the one side and Areas C and D on the other;
- The wetland between Areas J and G;
- The gully between Areas D and C.
- Further assessment matters be added in respect of the above open spaces:
- Specifying that such spaces are expected to be included within the open space/ walking network in order to contribute to amenity and ecological values and to provide a 'sense of place', and
- Guiding the landscaping and treatment of those spaces.

It is noted that the importance of the interface between with the urban areas and those spaces is already considered through a matter of discretion (pg. x-4) and assessment matters (pg. x -17) of the notified Plan Change, albeit some minor wording changes would be needed. It is already a matter of discretion in the JPRZ.

- Areas H and L should be renamed homesites HS37 and HS38 (assuming the zone remains as Jacks Point). Preferably the potential visibility of L (i.e. HS38) should be dealt with at the Plan Change time with an RL and building height above this identified in the District Plan in order to avoid the issue<sup>47</sup>. However, if the commissioners prefer the following assessment matter could be added:

*"The extent to which any building within Homesite38 is visible from Lake Wakatipu"*

- The following new Zone Standard (or similar) be added in order to require approved mounding and planting to be completed/ achieve screening from the State Highway before construction in these areas commences.

### **Zone standard (x) Visibility of buildings from State Highway 6**

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<sup>46</sup> Whilst all these things have occurred through the Outline Development Plan process at Jacks Point, amendments maybe necessary to ensure that they are actually 'required'.

<sup>47</sup> Evidence on this matter from RCL would be useful.

No building shall be constructed in Areas B or C (and potentially A) until any landscaping that has been approved as part of a preceding Outline Development Plan for the express purpose of screening development from the State Highway has been completed and reached sufficient maturity to entirely screen the building.

- In order to encourage covenants to be registered on titles<sup>48</sup>, it is recommended that the following Assessment Matter (e) (Pg. X-17) be amended as follows:

*(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.*

Where buildings will, in the absence of screening, be visible from State Highway 6, restrictive covenants are expected to be placed on titles prescribing that construction shall not occur until landscaping has been undertaken and has reached sufficient maturity to totally screen buildings or existing vegetative screening that already provides such total screening is protected (via covenants). In particular, it is anticipated that such measures may need to be considered in parts of Development Areas B and C (and potentially A), as shown on the Structure Plan.

- Policy 1.2, as notified be amended as follows<sup>49</sup>:

1.2 Development is not ~~highly~~ readily visible from State Highway 6 and Lake Wakatipu.

The replacement of the term 'highly visible' with 'readily visible' in relation to visibility from the State Highway (and strengthening the provisions to achieve this) makes it consistent with Policy 3.10 of the JPRZ.

## **12. THE PROTECTION OF ECOLOGICAL VALUES AND INDIGENOUS VEGETATION, INCLUDING WILDING CONTROL**

### **The Issues and Decisions Requested**

Submissions were received on this issue from QLDC and RCL. QLDC requests that:

- The significant wetland is shown on the structure plan; is protected; and public access to it and through it assured.
- A new rule be added that, prior to any development occurring in Activity Area G, all recommendations of the Henley Downs Ecological Assessment are implemented.
- The rules for "Areas of Biodiversity Value" (ABV's) be modified if necessary in order to adequately implement the policies, and to promote the re-establishment of indigenous vegetation.

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<sup>48</sup> As residential dwellings are permitted in the Urban Activity Areas, non-compliance with above zone standard would need to be picked up at the building consent stage; which is often not straightforward. Preferably, at the Outline Development Plan stage (through the assessment matters included in the notified Plan Change) a covenant should be volunteered on all or some of the titles, specifying that construction shall not commence until the approved landscaping has reached sufficient maturity to entirely screen the building from view from the State Highway.

<sup>49</sup> If the Jacks Point Zone is retained, as recommended then the existing Jacks Point policy will provide adequate direction.

The first 3 points are supported by a further submission from the ORC.

RCL, partly supported by Scope Resources, requests that:

- The ABV's not be shown on the notified Structure Plan and the wetland be clearly labelled.
- Any reference to ABV's be removed from Site Standard 12.30.4.1 (iv); Policy 12.30.1.1(iv); and Assessment Matter 12.30.5.1 (vii)(a) (relating to 'the protection of indigenous vegetation') (Page X-22);
- The following requirements be removed from Site standard (iv):

*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.*

The Wakatipu Wilding Conifer Control Group (WWCG) and the QLDC request that:

- The list of prohibited trees with wilding potential be amended to reflect the updated list of trees for inclusion as part of the District Plan review;
- Rules be inserted to clarify that wilding trees are not to be permanently retained in order to mitigate visual sensitivity from the State Highway, etc.
- A zone standard be added requiring all existing trees with wilding potential to be removed prior to development commencing.

## Discussion

The following points from the ecological assessment are noted to assist the commissioners:

| References to the Henley Downs plan change - ecological assessment (31/1/2013)   | Comment  |
|--|--|
| <i>The 7.6 ha swamp... Is fed by surface run-off and ground water. (Pg. 5)</i>   | It will be important to ensure that stormwater runoff is uncontaminated and continues to flow to the wetland |
| <i>...Common waterfowl and pukeko were observed on the open water and margins (Pg. 5).</i>   |  |
| <i>The Henley swamp is an "acutely threatened land environment" (Pg. 12).</i>  |  |
| <i>The connectivity of this network of swamps for waterfowl is good (pg. 12)</i>   | Swamp (B) within the ACRAA should also be protected.   |
| <i>Ephemeral streams... the underlying hydrological network continues to (sic) the potential for the reinstatement of healthy ecological processes within them (pg. 12).</i><br><br><i>"...much of their value rests in their potential to be enhanced and improve the contribution to wetland ecosystem diversity". Pg. 14.</i> |  |
| <i>The Henley Downs swamp is considered to be of low value in terms of ... the District Plan or Regional Plan: Water. (Pg. 13)</i>   |  |
| <i>Threats (Pg. 14)</i>  | The assessment concludes that waterfowl will adapt to the presence of humans.                                |

| References to the Henley Downs plan change - ecological assessment (31/1/2013)  | Comment   |
|---|---|
|   | <p>Passive recreation around the wetland will very likely stop hunting, which is positive.</p> <p>Residential development and the introduction of pets should be managed through signage.</p> <p>The risk of sediments entering the wetland should be managed through buffer planting and stormwater treatment prior to being discharged.</p> |
| The recommendations included on pages 14-15   | These should be included in the plan change itself as assessment matters at the Outline Development Plan stage or zone standards (or policies) or a mixture of these.   |
| Most of the grey shrubland is within the ACRAA and <i>“would only be vulnerable if clearance was proposed (for) agriculture or recreation”</i> . Such loss could be mitigated by <i>“planting to increase diversity and the exclusion of cattle”</i> (pg.17). | Rules should avoid such clearance and grazing or at least require the effects to be mitigated.  |
| The recommendations re shrublands. (Pg. 17).  | These should be included in the plan change itself as assessment matters at the Outline Development Plan stage or zone standards (or policies) or a mixture of these. E.g. Weed removal should be required at the Outline Development Plan stage.   |

In conclusion, whilst all of the above *could* be dealt with through the District Plan it is considered that some matters (e.g. the exclusion of cattle from certain areas) may be better dealt with through a volunteered stakeholders deed/ commitments enforced through covenants on titles) rather than further complicating the District Plan.

#### Identification of the wetland on the Structure Plan

Both the Council and RCL request the wetland be specifically shown on the Structure Plan and RCL has requests that it sit within the ACRAA, rather than within the urban area (as notified). This is appropriate and will provide greater protection than did the notified Structure Plan.

#### The significant wetland area is protected and public access to and through it is assured

The QLDC raise concerns regarding allowing up to 100 dwellings to be constructed (with an average lot size of 642m<sup>2</sup>) on Area J, immediately adjacent to the wetland. Submitters have raised concerns with the proposed density a) on the higher parts of Area J (in part addressed by the fact that the requestor has submitted that Area J no longer extend as far up the hillside) and b) in close proximity to the wetland. On this matter you are referred to Dr Read’s report, which expresses concerns regarding density within Area J, as a whole, and particularly in regard to the higher ground and on land adjacent to the wetland.

Assuming RCL’s submission to include the Henley Downs wetland within the ACRAA is accepted (and the ACRAA itself is retained), then this wetland will be protected through policies to protect and enhance biodiversity values; to protect and encourage the re-establishment of valuable natural vegetation and habitat; to use, enhance, and connect

existing watercourses for stormwater management; and to provide corridors of biodiversity value (2.19, 3.3 and 3.4) and through rules, which:

- Require a restricted discretionary consent to undertake earthworks within 7 m of a wetland. In the JPRZ it is non complying and this is supported by the ecological assessment attached to the plan change.
- Make building discretionary within the ACRAA (with some assessment matters specific to building within the wetland area);
- Make the clearance of indigenous vegetation a restricted discretionary activity;
- Require, at the Outline Development Plan stage, that:
- With regards to Development Area J, a biodiversity management and restoration plan for the wetland shown on the Henley Downs Structure Plan is considered as a matter of discretion (12.30.2.2(i)(k));
- The proposed treatment of the interface between the urban and rural area is considered.
- Stormwater disposal be considered, with assessment matters including solutions that minimise or prevent adverse effects on the environment and the integration of stormwater management into biodiversity corridors (including through planting of vegetation).

Notably:

- If RCL's submission (44/17/4) is accepted in relation to rules for Areas of Biodiversity, then there would be no rule preventing exotic plantings within the wetland or other parts of the ACRAA.
- Assessment matters 30.5.1(i) (in regard to the urban/ ACRAA interface) are concerned with maintaining rural amenity, providing a safe and pleasant urban environment, and the landscape effects and practical benefits of any encroachments into the ACRAA. I.e. other than in relation to the wetland, there is no mention of protecting the biodiversity values within the ACRAA.

In order to better **protect the wetland** it is recommended that the wetland is included within the ACRAA/ open space rather than the urban areas; that it be shown as such on the Structure Plan; and that numerous additional provisions are added to the zone to ensure its protection.<sup>50</sup>

**Public access to and through the wetland** is addressed in the notified plan change through a matter of discretion at the Outline Development Plan stage relating to 'proposed open space areas, public transport links, pedestrian and cycle links'. However, the Assessment Matters 30.5.1(i) relating to open space areas, public transport links, pedestrian and cycle links make no specific mention access to and through the wetland or other biodiversity nodes or corridors<sup>51</sup>. It is also noted that the Stakeholders Deed requires that a public access and recreation plan shall be agreed with the council prior to development and that a concept plan be prepared for this area as part of any Outline Development Plan for the village. As such, in theory, these matters should be sufficiently considered outside the RMA process. That said, as a safeguard, some additional assessment matters should be added in relation to this regardless of whether the land is zoned Henley Downs or JPRZ.

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<sup>50</sup> If the JPRZ is retained for the land, then the existing rules relating to wetlands in relation to the development of homesites and earthworks in proximity to wetlands will apply and the amendments proposed in this report can be still be applied to the Henley Downs Area and existing JPRZ policies.

<sup>51</sup> If the JPRZ (open space) zoning is retained then the existing provisions provide a sound basis and the improvements proposed in this report can still be applied to the Henley Downs zone in order to provide further control



In relation to the **proximity of urban activity to the wetland**, the ecological report concludes that effects on wildlife within the wetland from passive recreation, residential development, and contaminated stormwater discharge can be mitigated (pages 14 and 21). As such, it would be useful if the QLDC could provide further explanation as to the particular effects that it is concerned with in regard to urban development in close proximity to the wetland. The ecological assessment does not suggest that a buffer is required between the urban activity and the wetland in order to mitigate effects on the wildlife but, rather, it will simply adapt. Rather, the assessment only refers to the use of buffer planting in order to mitigate against stormwater contamination. If the commissioners accept this, then it appears there is no need for a buffer as such but that an assessment matter would suffice alerting planners to the need to specifically consider the issue of buffer planting and treatment when considering Outline Development Plans for areas that drain into the swamp (and the subsequent development of that land). Alternatively, the area covered by the wetland could be extended slightly as per Dr Read's open space plan and as reflected in the Structure Plan contained in Appendix B.

To properly consider this matter, it is important that the commissioners better understand where the boundaries of the 'wetland' identified on the Structure Plan sit in relation to the actual wetland, on the ground. I.e. does the 'wetland' area shown on the Structure Plan provide for a buffer between the wetland environment and development on Areas F, G, and J or would such a buffer need to be provided for through the Outline Development Plans for those areas. It would be useful if the Requestor could provide this at the hearing.

#### The removal of specific 'Areas of Biodiversity Value' (AVB's)

RCL's request to remove the specific 'ABV's from the Structure Plan is appropriate, for the reasons set out in Dr Read's report. It therefore follows that reference to such areas should also be removed from the text.

#### The re-establishment of indigenous vegetation and ensuring implementation of the Henley Downs Ecological Assessment recommendations.

Removing the specific areas from the Structure Plan will assist in encouraging the re-establishment of indigenous vegetation across the whole zone rather than indicating that only those specific areas are of interest. Furthermore, the proposed assessment matters that require a Restoration Plan for the wetland as part of any development in Area J should be re-cast as a rule to elevate its importance; should relate to all those areas abutting the wetland; and should be more detailed.

The other recommendations included in the ecological assessment relate to the other areas of biodiversity value that a) are located mostly in the ACRAA/ open space area, and a) are not necessarily contiguous with urban areas. As such, it is potentially more difficult to trigger the requirement for them to be enhanced as no development is actually anticipated in the open space area. That said, assessment matters enquiring as to whether a biodiversity plan has been submitted in conjunction with a) for development/ an Outline Development Plan that includes or adjoins an ephemeral wetland, small swamp, or creek within the open space area<sup>52</sup> and b) for any development within the ACRAA/ open space area.

RCL has submitted that the below site standard be amended as follows:

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<sup>52</sup> This rule would capture woolshed creek as it is proposed to be shown as open space on the Structure Plan and any development on land in the ACRAA/ open space area, which contains such a water feature.

#### 12.30.4.1 Site Standards

*(iv) Protection of indigenous vegetation*

~~*In the Areas of Biodiversity Value as identified on the Structure Plan Agriculture, Conservation and Recreation Activity Area (a) —no clearance of indigenous vegetation shall exceed 100m<sup>2</sup> 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.*~~

#### Wilding trees

It is appropriate that the list of wilding trees be updated to reflect that which was recently approved as part of the District Plan review and that a zone standard requiring that all existing wilding trees (as listed as prohibited within the Zone) be removed as part of any Outline Development Plan, development, or subdivision (whichever comes first).

Notably, there is an existing copse of trees (including wilding species) between the state highway and Areas A and B (most of which are believed to be on the Henley Downs land), which would provide relatively significant screening of development within Areas B and C. Their presence highlights the importance of adding a rule to ensure that wilding trees are not to be permanently retained in order to mitigate the visual sensitivity of development from the state highway or other prominent public locations.

#### **Recommendations and Reasons**

In order to better protect the **wetland** it is recommended that:

- The wetland be shown as (O/P) (wetland); being for open space, landscaping, and passive recreation and should include the additional rules
- The matter of discretion at the Outline Development Plan stage, relating to requiring a Biodiversity Management and Restoration Plan for the wetland is considered as a matter of discretion (12.30.2.2(i)(k)) in relation to any Outline Development Plan that is applied for within Areas G, F, and J (not only J).
- The Henley Downs Zone policy (2.19) relating to existing watercourses is amended to ensure it can still be applied even if those watercourses are not within the urban area.
- Biodiversity issues at the interface of the open space and the urban areas are better managed (at the Outline Development Plan stage) through specifically addressing concerns relating to biodiversity values within the notified assessment matter relating to interface issues (Pg. X-17).
- The assessment matters/ policies relating to the Outline Development Plan stage regarding stormwater management and disposal specifically address/ identify those concerns raised in the ecological report in relation to ensuring that the wetland is protected. This might be through a policy to “*avoid the risk of any stormwater sediments entering the wetland through buffer planting and stormwater treatment prior to being discharged*” or assessment matters along similar lines;
- The existing rule in the JPRZ is retained, which makes it non complying (not restricted discretionary activity) to undertake earthworks within 7 m of a wetland;
- It is a restricted discretionary activity (as in the Rural General Zone) to clear any indigenous vegetation that is less than 20 metres from a water body unless it is for the construction of public walkways up to 1.5 metres in width provided that it is not listed as a threatened species in Appendix 9 of the District Plan. Potentially, that Site Standard could be applied to the entire open space area of Henley Downs.

In order to ensure **public access to and through the wetland** it is recommended that:

- The Assessment Matters 30.5.1(i) relating to open space areas, public transport links, pedestrian and cycle links specifically address the importance of pedestrian access to and through the wetland when considering Outline Development Plans within areas G, F, and J. This should ensure safe, clear entrances to the wetland are provided on all sides of it (e.g. 3 such entrances) and include an indicative trail network within the wetland itself. Alternatively, if the commissioners are of a mind to require that indicative trails be shown on the Structure Plan or an open space overlay, then such a plan should include a trail network within the wetland area, supported by an assessment matter stating ‘the extent to which the trail network included in the open space plan is complied with’.

In order provide better **protection of biodiversity values** across the entire zone, it is recommended that:

- The specific ‘Areas of Biodiversity Value’ are removed from the Structure Plan (other than the wetland, as discussed above).
- As a consequence, any reference to such areas in the District Plan provisions is removed.
- Part c) of Site Standard 12.30.4.1(iv) (protection of indigenous vegetation), which states “(c) *no buildings shall be constructed, aside from those identified in an approved Outline Development Plan*” be removed, as it is deemed unnecessary, or the indigenous clearance rules from the Rural General Zone (check this) are applied to the open space Activity Area.

Note: If the subject site remains in the JPRZ, then none of these amendments are necessary.

In order to ensure a **restoration plan** is submitted **for the wetland**, it is recommended that the following zone standard be inserted in order to ensure that the policies to protect, enhance, and re-establish biodiversity values are achieved;

**Any Outline Development Plan for Areas J, F, and G shall be accompanied by a Biodiversity Management and Restoration Plan for the wetland shown on the Structure Plan, which specifically proposes:**

1. Methods to control the further spread of willows within the wetland;
2. A programme of progressive limbing and potentially the removal of crack and grey willows from the margins, particularly from the shallow northern end;
3. A programme to kill in-situ willows within the shallow open water to facilitate the natural expansion of Carex sedgeland and Raupo beds and maintenance of open water;
4. Methods to protect the wetland from further unmitigated loss or drainage if disturbed by development under the proposed plan change.
5. Reinstating indigenous diversity along the margins of the wetland in order to:
  - a) Bolster feeding and breeding habitats through ensuring and securing in perpetuity an appropriately designed buffer (of at least 20 metres) around the wetland; providing for small clearings enabling a view of the water; providing screening of residential activity; providing a variation in wetland habitat and open roosting and foraging areas;
  - b) Reinstate diversity lost from the terrestrial and aquatic communities associated with the wetland
  - c) Avoid or minimise the discharge of contaminants into the wetland through appropriately designed storm water treatment and buffer planting.

**Note: Once this Plan is prepared and approved as part of the first Outline Development Plan adjoining the wetland (be it for Area F, G, or J) then reference to the approved Plan in subsequent Outline Development Plan applications will suffice and this zone standard will deem to have been met for those subsequent applications.**

If commissioners prefer this could be an assessment matter.

In order to encourage **restoration throughout the open space area**, it is recommended that the following two assessment matters be added:

Assessment matter - in relation to Outline Development Plans and building in the open space area - Biodiversity management plan

Any Outline Development Plans or consent for subdivision or development that affects land that is contiguous with an ephemeral wetland, small swamp, or creek, within the open space area shall be accompanied by a Biodiversity Management and Restoration Plan, which specifically proposes:

1. Restricting cattle from grazing within paddocks where wetlands with remnant indigenous communities have been identified (refer to waypoints 212, 237, 246 and 250 within the ACRAA).
2. Methods to prevent further unmitigated loss, drainage and contamination, and to support the reinstatement and or enhancement of indigenous diversity if disturbed by development under the proposed plan change.
3. Reinstating seed sources that can supplement the indigenous diversity within the degraded, low diversity communities.
4. Improving connectivity between the network of ephemeral wetlands and swamps and adjacent Jacks Point and lakeside public conservation land.
5. Supporting community-led projects to reinstate and enhance the wetland habitats.

Assessment matter - in relation to Outline Development Plans and building in the open space area - Biodiversity management plan in relation to grey shrublands

Any Outline Development Plan or consent application for subdivision or development within the ACRAA shall be accompanied by a Biodiversity Management and Restoration Plan, which specifically proposes/commits to:

1. Methods to protect the remaining low diversity shrubland from further unmitigated losses
2. A schedule/ programme for the removal of broom, buddleia, hawthorn, conifers and sycamores
4. Excluding cattle from grazing within the large area of schist outcrops with grey shrubland immediately west of urban activity area F.
5. Enhancement planting (and stock fencing of this) in order to a) increase diversity within the shrublands around the schist outcrops, and b) increase the diversity of ephemeral wetlands, swamps in the transition areas between these and grey shrublands.

In order to better control wilding spread, it is recommended that:

- The list of wilding trees specified under prohibited activities (20.30.2.5) be replaced with the following:

12.30.2.5(ii) Planting the following trees:

- a) Radiata Pine (Pinus radiata)
  - b) Bishops pine (Pinus muricata)
  - c) Contorta or lodgepole pine (Pinus contorta)
  - d) Ponderosa pine (Pinus ponderosa)
  - e) Scots pine (Pinus sylvestris)
  - f) Douglas fir (Pseudotsuga menziesii)
  - g) European larch (Larix decidua)
  - h) Corsican pine (Pinus nigra)
  - i) Mountain Pine/Dwarf Mountain pine (Pinus mugo)
  - j) Maritime pine (Pinus pinaster)
  - k) Sycamore
  - l) Hawthorn
  - m) Boxthorn
- The following zone standard be added, in order to ensure the on-going removal of wilding species:

12.30.4.2(xii) - Wilding species

No landscape plan submitted as part of any resource consent application shall propose to permanently retain wilding trees (as listed as prohibited in rule 12.30.2.5). NB: to do so would render the application non complying.

All wilding trees (as listed as prohibited within the Zone) shall be removed as part of any landscape plan submitted as part of any resource consent application

## 13. EFFECTS ON INFRASTRUCTURE

### The Issues and Decisions Requested

Four submitters have raised concerns in relation to infrastructure. The submissions (variously) request that the plan change be declined unless:

- It includes design controls relating to infrastructure similar to those within Jacks Point
- Provision is made to ensure that the cost of extending and maintaining any infrastructure and utilities to service the Henley Downs Zone is borne by the developers and residents in that zone and not the residents of Jacks Point.
- The rules and assessment matters (including those from the Subdivision chapter of the District Plan such as 15.2.11.2 and 15.2.11.3) are improved, if necessary, to ensure Council can require the development to be appropriately and efficiently serviced with the necessary infrastructure, at both the Outline Development Plan and subdivision stages.

### Discussion

#### Specific Design Controls

Whilst there are no specific design controls relating to infrastructure within the JPRZ or the design guidelines, page 4 of the Jacks Point Stakeholders Deed binds the parties<sup>53</sup> to comply with various controls, including controls in relation to infrastructure design. These include soft engineering design principles for roading and stormwater, onsite wastewater and water schemes, and the provision of parking in an environmental manner. These can only be amended through unanimous agreement of all parties and reference to adherence to these controls must, according to the Deed, be registered on all titles. As such, all development in the Henley Downs area must be undertaken in accordance with those, regardless of whether it is a new zone or retained as part of the JPRZ.

In addition, policies within the proposed Plan Change<sup>54</sup> include ensuring that roads and walkways integrate with the character of Greater Jacks Point and that existing watercourses are used, enhanced and interconnected for the purposes of stormwater management. Furthermore, assessment matters<sup>55</sup> consider whether the proposed road designs make a positive contribution to the amenity of the settlement; whether low impact design solutions have been employed to minimise or prevent adverse effects on the environment (in relation to the 3 waters); and whether stormwater management facilities can be integrated into the public realm. As such, no amendment to the plan change is considered necessary.

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<sup>53</sup> And their successors

<sup>54</sup> These, along with the assessment matters referred to below, are also incorporated into the proposed amendments to the Resort Zone included in Appendix B

<sup>55</sup> Refer pages X-16 and X-18

### The cost of infrastructure

Who will pay for the new/ upgraded infrastructure required by the additional development (and the maintenance thereof) is governed by the Council in accordance with the council's Development Contributions Policy where the infrastructure is owned by Council and by the respective landowners/ developers<sup>56</sup> themselves, where the infrastructure is privately owned. Assuming the 3 waters and roading infrastructure is provided for onsite and privately-owned and maintained (as is intended according to the S. 32 report and the Stakeholders Deed) then the matter of 'who pays' is beyond Council's control. In this instance (as is the case with the existing Jacks Point area), the Council will only collect contributions toward the district-wide provision of roading and reserves. In this situation, concerns relating to the equitable cost distribution between existing and new residents should be clarified by private agreement outside of the Plan Change process. If Henley Downs does connect to a council system (e.g. council's waste water system) then contributions will be levied on all new subdivision and development that is required to connect to that system, noting that if such a system runs through existing development it is council policy to require those properties to also connect to the system. Development contributions are levied under the LGA and not the RMA and this matter is not considered to be a relevant consideration for this Plan Change, at this stage.

### Stormwater

In relation to stormwater, the notified plan change includes "evidence that development can be appropriately serviced with water, stormwater, and wastewater infrastructure" as an assessment matter at the Outline Development Plan stage (12.30.2.2(i)) and there is a requirement to provide an indicative Stormwater Management Plan as part of the Outline Development Plan application. Whilst fairly comprehensive, the relevant assessment matters (12.30.5.1(1)) in regard to stormwater infrastructure are not quantitative or measurable.

The ORC supports the requirement for a Stormwater Management Plan at the Outline Development Plan stage but requests that measurable and outcome-based rules and/ or assessment matters be included in order to better specify what is to be achieved through the Management Plan. In addition to those recommendations relating to stormwater disposal in the vicinity of the wetland (previously made in this report), more prescriptive assessment matters should be added in line with ORC submission.

### Water supply

The SDHB's submission states that, ideally, all residential housing should connect to the Queenstown reticulation system (Project Shotover) and to the reticulated water supply if/ when available and practicable or, failing that, that Option B/ Option 3 as outlined in the plan change should be pursued. The SDHB is asked to provide more detailed information at the hearing in regard to its concerns that aspects of the proposed drinking water supply may not be sufficient to ensure that public health is protected.

In respect of water supply, the notified plan change includes "evidence that development can be appropriately serviced with water, stormwater, and wastewater infrastructure" as an assessment matter at the Outline Development Plan stage (12.30.2.2(i)) and there is an assessment matter relating to the feasibility, quality, and quantity of any proposed water supply.

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<sup>56</sup> I.e. Presumably those signatories to the Stakeholders Deed and their successors

Then, at the time of subdivision, the Council has control over Water Supply in relation to all controlled subdivisions and for most zones, there is also a Zone Standard (15.2.11.3) making it non-complying to create a lot that is not connected to a council or community-owned reticulated water supply (or failing that, be provided with a potable water supply of at least 1000 litres per day per lot). Notably, the Henley Downs Zone has not been listed in this rule but this is very likely simply an oversight.

Whilst this zone standard is rarely, if ever, relied on (as such matters are ordinarily sorted out through the controlled activity status of subdivision or through Outline Development Plan processes), it does provide a strong 'safety net' if ever a developer were to try to subdivide without an acceptable water supply. As such, if the Henley Downs Zone is accepted then it should be listed in this Zone Standard to provide extra assurance over water quality. If the area is retained in the JPRZ then there is no need for any amendment as the rule already applies to that zone.

The above provisions (with minor amendment), together with ORC consenting requirements, are considered to provide adequate controls over water supply.

### Wastewater

The SDHB has submitted that the local sewage reticulation and treatment option proposed as Option B is supported, as is the proposal to include both disinfection and nutrient removal (option 3). The SDHB is asked to provide more detailed information at the hearing in regard to its specific public health concerns relating to the proposed wastewater treatment and use of treated wastewater for irrigation.

In respect of wastewater, the notified plan change includes "evidence that development can be appropriately serviced with water, stormwater, and wastewater infrastructure" as an assessment matter at the Outline Development Plan stage (12.30.2.2(i)) and there is an assessment matter (g) relating to feasibility and the appropriate treatment and disposal of wastewater.

The above provisions (with minor amendment), together with the ORC consenting requirements, are considered to adequately protect against inappropriate discharge, etc.

### Cross-referencing in the Henley Downs Zone to the Part 15 rules and assessment matters.

Taken together, the Part 15 and Part 12 provisions seem comprehensive in relation to ensuring the three waters are adequately considered. However, a potential issue exists in that, as with most special zones, the Outline Development Plan (which is a landuse consent) precedes and lays the foundations for the subdivision, yet the detailed assessment matters, contained in Part 15 are not specifically referred to.

It is considered appropriate that the assessment matters that are listed in Part 15 in relation to water supply, stormwater, and wastewater be cross-referenced in the relevant assessment matters relating to the Outline Development Plan (in Part 12) so that these matters can be considered at the Outline Development Plan stage, rather than waiting until the subdivision stage.

It is considered that, with the above minor amendments, there will be sufficient controls to ensure that the zone can be appropriately and efficiently serviced with the necessary infrastructure.

### **Recommendations and Reasons**

It is therefore recommended that:

- The following rules/ assessment matters be added in order to provide more detailed direction regarding stormwater management:

**Restricted discretionary activities - (i) Outline development plan:  
In regard to water, stormwater, and wastewater infrastructure**

(h) Stormwater management plans shall specifically ensure that stormwater and sediment management minimises the impact of stormwater generation and containment loadings through low impact design or sustainable urban drainage techniques and shall ensure that:

- a) the rate of stormwater discharge remains equal to, or less than that of pre-development up to the 1 in 100 year average recurrence interval event; and
- b) the quality of water in any discharge remains equal to or better than that of pre-development; and
- c) stormwater management systems are designed to cater for the 1 in 100 year average recurrence interval event.

(i) In regard to stormwater management, the extent to which:

a) natural flow paths have been used in the design of stormwater management systems;

b) techniques have been adopted to ensure that:

- (i) the rate of stormwater discharge remains equal to, or less than that of pre-development up to the 1 in 100 year average recurrence interval event; and
- (ii) the quality of water in any discharge remains equal to or better than that of pre-development; and
- (iii) stormwater management systems are designed to cater for the 1 in 100 year average recurrence interval event.

- If a new Henley Downs Zone is accepted, then that the following rule<sup>57</sup> is amended so it applies to the Henley Downs Zone:

15.2.11.3            *Zone Subdivision Standards - Water Supply*

*Any subdivision of land which does not comply with any one or more of the following Zone Standards shall be a Non-Complying Subdivision Activity.*

*(i) All lots, other than lots for access, roads, utilities and reserves, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:*

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

- i            ...*
- v            Resort Zone, Millbrook and Waterfall Park<sup>58</sup>, and the Henley Downs Zone*

*(ii) ..*

<sup>57</sup> Unless the commissioners see this as superfluous given a) water supply is a matter of discretion at the Outline Development Plan stage and controlled at the subdivision stage and it does not seem to raise issues in other zones that are not listed in 15.2.11.3 above.

<sup>58</sup> It is unclear whether this is intended to be read “resort zone (limited to) Millbrook and Waterfall park” or ... “resort zone (including) Millbrook and Waterfall park” and, in reality is probably simply a hangover from when the resort zone only comprised those two areas. It is open to interpretation but if Henley Downs is retained as part of the resort zone it is considered that the rule need not be amended and can be applied to Jacks Point if an issue ever arose.



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

- That the assessment matters in the Henley Downs Zone be amended as follows:

#### **12.30.5 Resource Consent Assessment Matters**

##### **12.30.5.1 Restricted discretionary activities - Outline development plan: In regard to water, stormwater, and wastewater infrastructure:**

- ...
- (j) *Whether and to what extent that the Part 15 assessment matters for resource consents relating to water supply (15.2.11.4), stormwater (15.2.12.3), and wastewater (15.2.13.2) have been considered and adequately addressed or satisfied at the Outline Development Plan stage, to the degree that is practicable.*

## **14. NATURAL HAZARDS**

### **The Issues and Decisions Requested**

Two submissions relate to natural hazards. These submissions, variously, request:

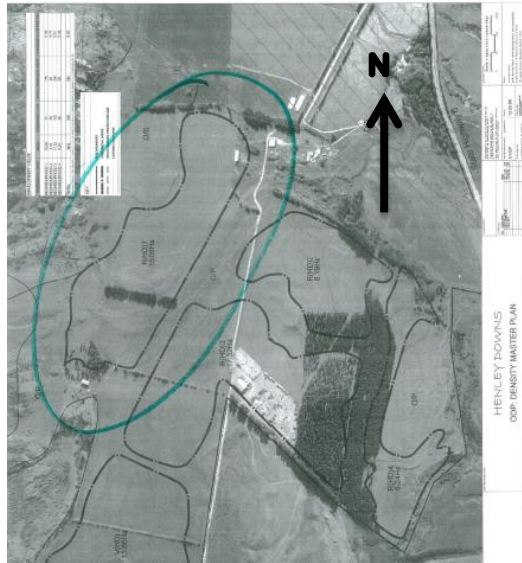
- That the Plan Change be declined unless the QLDC is satisfied that the risks from liquefaction and alluvial fan/ flooding are sufficiently understood and addressed through avoidance or mitigation, and that any area re-zoned is fit for the proposed use.
- That Commissioners be satisfied that the risk of flooding in Activity Area B can be effectively avoided, remedied, or mitigated.

The submitters make the following comments in support of their submissions:

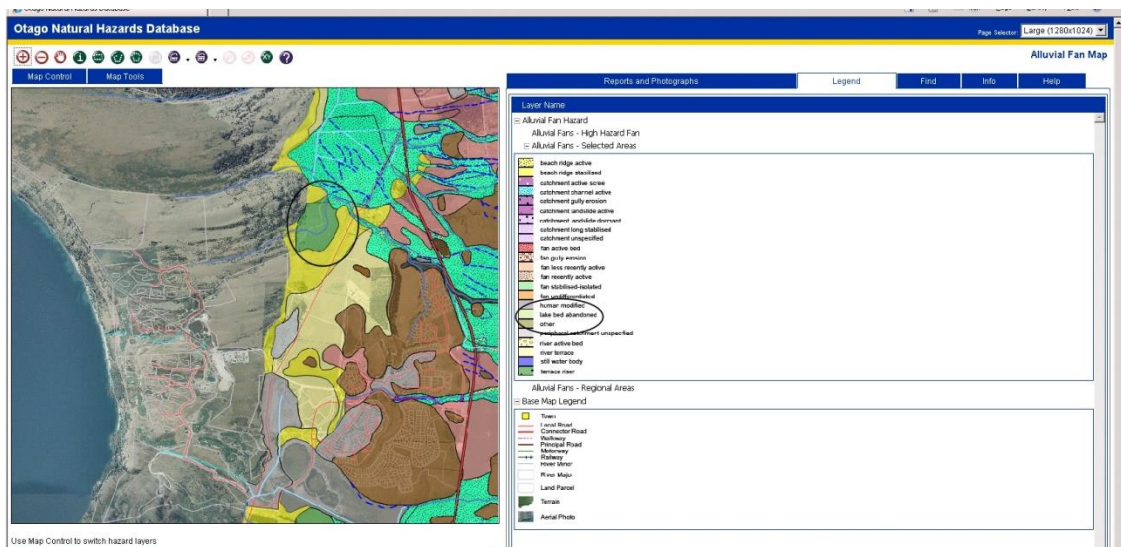
- The plan change Request acknowledges that Area B is at risk of flooding but that any effects can be appropriately managed through the Outline Development Plan process.
- The ORC is concerned that the natural hazards have not been quantified, and that a greater understanding of the extent and characteristics of the hazards (particularly alluvial fan and flood hazards) is required in order to understand the appropriateness of development within certain areas. The submission goes on to say that once the extent of risk is more fully known *then* if mitigation of the risk is appropriate (i.e. as opposed to entirely avoiding it) the details of such mitigation can be determined through the Outline Development Plan consenting process. In particular, the ORC is concerned that:
- There is no certainty as to the magnitude of risk from the alluvial fan processes at the site, particularly in relation to the proposed development area (F), as shown on the below map<sup>59</sup>

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<sup>59</sup> Provided by the ORC following lodging its submission, in order to clarify what it meant by the 'the proposed development area at its north east extent'.



- There is no research into the flood catchment history of the Development Area's northern extent (proposed Urban Area F), noting that part of it is shown as an 'abandoned lake bed' on the below hazard database:



- There is no information as to the likely characteristics of in-stream and overland flow during extreme rainfall; and
- There is a need for further on-site investigations and a study of existing data in relation to liquefaction, and that detailed mitigation will need to be outlined at the Outline Development Plan stage. I.e. the level of detail provided is sufficient for the rezoning to proceed and the ORC is satisfied that mitigation (rather than avoidance) is realistic and appropriate and that the detail of this can occur at the Outline Development Plan stage.

## Discussion

It is important that the Requestor provides further detailed information about the alluvial fans and flood risks within the zone, particularly in respect of Areas F and B<sup>60</sup> in order to enable the commissioners to decide whether mitigation of these risks is realistic/

<sup>60</sup> As specifically raised in the QLDC's submission.

appropriate or whether the risks are sufficiently great to justify avoiding the risk by excluding certain areas from the urban activity area.

Depending on the information presented, the commissioners will need to decide whether the urban activity areas need to be amended and/ or additional rules imposed to provide clear direction relating to the method(s) of mitigation that will be required in order to enable development.

### **Recommendation and Reasons**

Given the comments above, no recommendation is able to be made at this time.

## **15. REVERSE SENSITIVITY**

### **The Issues and Decisions Requested**

NZTA, Skydive Queenstown Ltd, and Grant Hensman et al<sup>61</sup> have raised concerns with regard to the reverse sensitivity of residential development in relation to:

- Traffic noise;
- The skydiving activities within the JPRZ; and
- The established contracting and commercial operations that exist on the eastern side of the state highway.

### **Discussion**

**NZTA** request that plan change 44 be accepted in its entirety subject to inserting a rule that requires the following (or similar):

*New residential buildings located within 80 m of the seal edge of the state highway shall be designed and constructed to meet the noise performance standards for noise from traffic on SH6 that will not exceed 35 dBA Leq (24 hr) in bedrooms and 40 dBA Leq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and NZ standard AS/ NZ2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.*

It would be helpful if the Requestor can provide a scale map at the hearing and/ or advise whether any of the urban activity areas are within 80 m of the State Highway. If they are not, then this rule may not be necessary. If part of Areas A and B are within 80 m of the seal edge, it is appropriate (i.e. efficient and effective) to include this rule in the plan.

**Skydive Queenstown** has sought an acknowledgement from QLDC that Skydive has a valid resource consent to operate its airstrip without any noise controls, but subject to a present maximum of 35 flights per day (which is subject to a new application).

Notably (and to the contrary), the JPRZ does not include such a policy but, rather, includes Policy 3.5 to “to control the take-off and landing of aircraft within the zone”).

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<sup>61</sup> Including separate submissions by Scope Resources Ltd, and Pure 1 Ltd, who raise identical comments in relation to reverse sensitivity

The plan change could potentially be amended to include a policy acknowledging that such existing use rights exist and that the development of Henley Downs shall take account of the skydive activity. However, to be effective this would need to be supported by a rule requiring noise insulation, for example. It is considered that, given the following points, considerable evidence will need to be provided by the submitter to justify such amendments:

- The only other area where such noise insulation is mandated in this district (although not operative at the time of writing) is within the Outer Control Boundary (OCB) of the Queenstown airport, which is a whole different scale of noise to the skydive situation.
- There is no such requirement in the operative JPRZ, which includes land that is significantly closer to the take-off and landing of aircraft and the relevant policy of the JPRZ is clearly to control (rather than acknowledge and accept) the take-off and landing within the zone.

Skydive Queenstown has sought an acknowledgement from the QLDC that the council and/or any party associated with Henley Downs cannot control and does not seek to control the number of aircraft or tandem parachutists using the airspace in the Henley Downs/Jack's Point area. It is not considered appropriate for the Council to acknowledge in its District Plan that it will not seek to control the number of aircraft or tandem parachutists using the airspace in the Henley Downs/Jack's Point area. Whilst the developer or other parties associated with the Henley Downs Zone and plan change may agree to enter into some form of private agreement with Skydive Queenstown in relation to this matter, this is a matter for those parties and for them to advise the commissioners of this at the hearing, should such an agreement be reached.

Skydive Queenstown has sought a requirement that consent holders, developers, and owners at Henley Downs be required to ensure that all buildings constructed comply with the noise admission (sic) standards of the District Plan. Skydive Queenstown is asked to confirm what it is referring to by "the noise admission standards of the District Plan". For the time being, it is assumed that Skydive Queenstown is seeking a policy and rules along the lines of those that apply to sensitive uses within the OCB of the Queenstown Airport<sup>62</sup>.

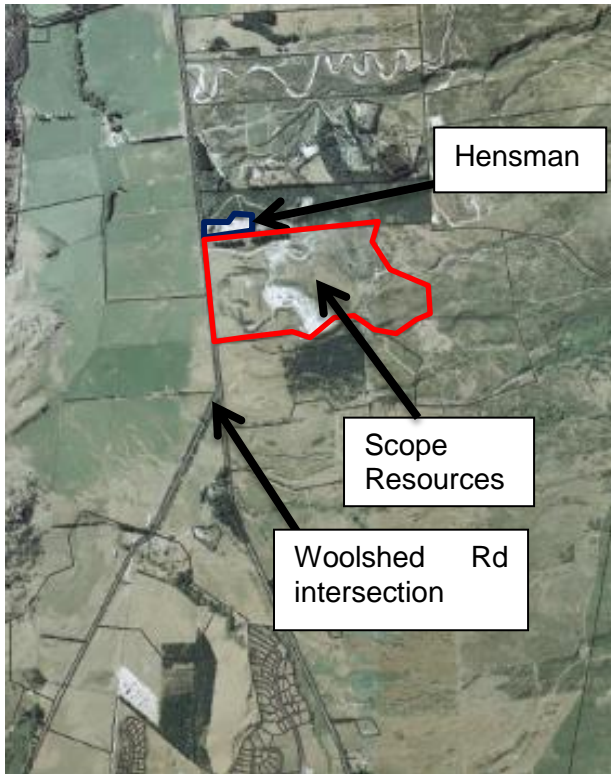
Skydive Queenstown will need to provide evidence to show that the additional cost to home owners of achieving this level of noise insulation is effective and efficient and is justified by the existing use rights held by skydive Queenstown and the noise effects that are enabled by those rights.

**Grant Hensman et al** submit that there will be reverse sensitivity effects on existing **contracting operations** as a result of foreseeable complaints relating to visual amenity, dust, noise, vibrations, and traffic safety and that for this, and other reasons, the Plan Change should be declined.

The below map shows the location of those properties owned by the submitters that have consents to enable industrial activity to be undertaken on them. It is noted a) that Scope also own the land to the immediate south of the property shown below but that it is not consented for any sort of industrial activity and b) that Pure 1 Ltd do not appear to own land in the vicinity; and c) that the submitters properties are zoned Rural General; not Industrial.

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<sup>62</sup> Refer Objectives and Policies (7.2.3) and Zone Standard (7.5.5.3) – Residential Activities and Visitor Accommodation



The Scope property is located some 710 m north proposed development Area A (which proposes an additional 2 houses) and approximately 1 - 1.4 km north of the areas proposed for more intensive development (B, C, and D). Given the distance and the fact that the prevailing winds are southerly and south-westerly<sup>63</sup> this is not expected to give rise to any significant reverse sensitivity effects. The same can be said for the Hensman property which is much smaller and further away.

Regarding traffic concerns and complaints that may arise from that, the nearest access used by Scope is some 240 m north of the proposed Woolshed Road intersection and, provided NZTA is comfortable that these intersections will operate efficiently and safely, then it is considered appropriate and unlikely to result in complaints. You are also alerted to the fact that later in this report, rules are recommended that require the closure of the 2 accesses that are closest (and opposite to) the Scope Resources access.

With regard to complaints, the council's monitoring officer cannot recall receiving any complaints in relation to the activities on the eastern side of the state highway which, whilst there may have been some prior to this, indicates that the activities do not cause unreasonable nuisance to residents in the vicinity. Also, it is noted that the presence of a busy state highway between these properties and the Henley Downs Zone is a relevant consideration, as is the fact that it is recommended below that any dwellings within 80 m of the state highway be noise insulated.

### **Recommendations and Reasons**

It is recommended that the following zone standard be added in order to avoid reverse sensitivity effects between traffic noise and residential living and, to an extent, between industrial uses in the vicinity and residential living:

Zone standard xx

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<sup>63</sup> Of relevance in relation to noise and dust nuisance effects

New residential buildings located within 80 m of the seal edge of the state highway shall be designed and constructed to meet the noise performance standards for noise from traffic on SH6 that will not exceed 35 dBA Leq (24 hr) in bedrooms and 40 dBA Leq(24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and NZ standard AS/ NZ2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.

## 16. TRANSPORT/ TRAFFIC/ WALKING AND CYCLING

### The Issues and Decisions Requested

Five submitters (Lakeside Estates Home Owners Association (Lakeside Estates), NZTA, ORC, QLDC, and the SDHB) seek specific decisions in relation to transport, traffic, walking, and cycling issues. Others mention transport-related issues within the body of their submission (e.g. RPL raises concerns that the traffic assessment does not address the impacts of the development on the Kawarau Bridge) but do not seek specific relief.

The submissions are, variously, concerned with the following matters (and request relief that addresses these concerns):

- The additional pressure this plan change will put on the Kawarau Falls Bridge and at other key "bottlenecks".
- The number of direct state highway accesses from the greater Jacks Point area;
- Ensuring that the new proposed access is of an acceptable standard; and
- The need for financial contributions or requirements to ensure and that the developer undertakes/ funds intersection upgrades, as appropriate.
- The weaknesses of the structure plan and the Outline Development Plan process (as drafted) to ensure that connectivity (via the main road) between Jacks Point and Henley Downs and between these areas and the State Highway will be achieved in a timely manner, and that walking, cycling, and public transport will be given due consideration through the Structure Plan and Outline Development Plan process.
- The fact that some rules in Part 14 of the District Plan will not apply to the Henley Downs Zone.
- That the 'main road' be more direct and be annotated differently to the activity area boundaries on the structure plan to avoid confusion.
- Whether the connection points on the State Highway and adjoining Jacks Point are to be 'fixed'.

### Discussion

Lakeside Estates, along with RPL, seek relief that will recognise and provide for any increased pressure this plan change will put on traffic congestion at the **Kawarau Falls Bridge** and at any other key "bottlenecks". It would be useful if Lakeside Estates and/ or RPL could elaborate at the hearing on what sort of relief might satisfy their concerns. Possible examples might be encouraging/ facilitating multi-modal transport to/ from the zone to Frankton in order to minimise traffic volumes or staging development relative to the completion of the new bridge.

Given the uncertainty as to what is specifically being sought by the submitter, no firm recommendation is provided in this report. However, if a particular traffic volume can be determined at which point the existing bridge will stop functioning efficiently (i.e. a certain level of service) and if NZTA are supportive of such an approach, then a staging rule

could be included which would defer subsequent stages of development until the new bridge is in place.

In response to the various concerns raised by NZTA regarding **access onto the State Highway** and the quality of the new intersection, it is considered appropriate that rule(s) be included that a) make it non complying to apply for an Outline Development Plan, landuse consent, or subdivision consent that would any additional access onto the State Highway and that any consent that proposes to upgrade the woolshed road intersection or to close it and create an alternative in the vicinity shall also propose the permanent and physical closure of the existing authorised crossing places CPs 60, 62, and 63. These crossings are shown on the map below and it is understood that neither the Requestor nor any other third party would be adversely affected by the closure provided Woolshed Road is upgraded and access enabled via that road prior to the closure.



Source: NZTA

NZTA's request that the Woolshed Rd/ SH 6 intersection is upgraded to an acceptable standard prior to any vehicles using Woolshed Rd to access the proposed Henley Downs Zone is arguably already dealt with through the fact that "roading pattern, proposed road and street designs" are a matter of discretion at the Outline Development Plan. However, this should be amended to specifically state "intersection design, timing, and funding" in order to make it clearer. Given the NZTA's extensive powers in relation to the design etc. of intersections on Limited Access Roads (LAR's) it is not considered necessary to provide further detailed assessment matters etc. in the District Plan. You are also referred to the previous section on non notification, which specifically ensures that NZTA may (and almost certainly would) be deemed an affected party in terms of any Outline Development Plan that proposes to connect (or specifically proposes not to connect even though it is contiguous to) the State Highway.

NZTA request that the plan change include provisions that address the need for on-going improvements to the Woolshed Rd/ SH 6 intersection as development progresses, either by establishing:

- a) The need for appropriate financial contributions to construct the agreed necessary improvements; or
- b) Thresholds, at which time the proponent/ developer is required to carry out the agreed necessary improvements.

It is understood that the Council is unwilling to collect financial contributions on behalf of third parties (such as NZTA) and, in any case, the Council collects development contributions under the LGA as opposed to financial contributions under the RMA. However, if adequate information is provided at the hearing from submitters in respect of traffic movements and the volumes that will necessitate key intersection upgrades, then it would be appropriate to include such requirements in the rules of the plan change. Such

a rule could, for example, require that once traffic volumes entering the JPRZ, from the Henley Downs Zone, reach (x), the Woolshed Road/ State Highway 6 intersection shall be constructed to a standard acceptable to the NZTA and once traffic volumes reach (y) at the Woolshed Road/ State Highway 6 intersection this shall be further upgraded to a standard that is acceptable to the NZTA. Alternatively the triggers could be based on the number of residential units and extent of non-residential activities which, whilst more crude, may be simpler to monitor/ administer and hence, more efficient. A precedent<sup>64</sup> for such an approach exists at Joe O'Connell Drive in Frankton in relation to the need for the intersection to be redesigned or closed and replaced when the Events Centre traffic reaches a certain threshold.

The QLDC's submission in relation to transport requests:

- Clarifying the form and function of the main road and how adjacent landuses should relate to this (through an objective, policies and potentially also assessment matters);
- Ensuring that the main road shown on the Structure Plan will connect with Jacks Point in a timely manner.
- That the main road may need to be more clearly annotated (RCL also raise this issue)
- Consideration of whether the connections to the State Highway and into the JPRZ are indicative or fixed
- Consideration of whether those Part 14 rules that specify the particular zones to which they relate should be applied to this Zone.

The first two, relating to the **main road**, are considered critical and fundamental to the success of this zone and it is recommended that both points be accepted and changes to the Structure Plan, assessment matters, and objectives and policies are made, as recommended below.

As notified, the all-important main road through the middle of the zone is unclear and meandering. It is important that this road be drawn differently to the activity area boundaries on the structure plan to avoid confusion. In response to RCL's request, the line shown in the Structure Plan attached to RCL's submission is considered appropriate. The Structure Plan is 'silent' as to whether the location of the main road is indicative or fixed. It is considered sufficient to show the alignment of the main road as indicative on the Structure Plan but that this should be clearly stipulated in order to avoid any confusion later on. More importantly, additional assessment matters should be included, which clarify the function and likely form of this road (for example; as a multi-modal collector road with a 50 km speed limit, with green corridors either side and residential uses along the corridor interfacing in a certain way).

Whether the **connections to the State Highway** and into the JPRZ are indicative or fixed (+/- 50 m) is also unclear in the Structure Plan. Provided there is a rule requiring a) that the 'main street collector road' must connect to both the State Highway and the JPRZ in a timely manner and b) that timing is provided for the completion of this (and conditioned through the Outline Development Plan approval/ decision) then the connection points can be shown as indicative. This is subject to any further information/ contrary view presented by NZTA, which may prefer to 'lock in' a location for the State Highway intersection as part of the plan change. If that is the case, then it is suggested that a small amount of flexibility should be provided in terms of the location to allow for specific surveying, etc. (e.g. +/- 20 m).

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<sup>64</sup> Albeit that it is achieved through a designation condition rather than a rule in the District Plan.



The third point relates to whether the following **Part 14 rules**, which currently do not apply to the Henley Downs Zone, should, in fact, apply:

| Rule  | Assessment of whether necessary to apply to the Henley Downs Zone   |
|---|---|
| 14.2.2.2(i) - The design of carparking areas (e.g. currently applies in zones such as the Town Centre and corner shopping centres).             | Not necessary as this matter is considered at Outline Development Plan stage and in respect of multi-unit and non-residential developments.                   |
| 14.2.4.1(iv) - Parking and access design (iv) - Standards relating to the design of rear lanes in the Three Parks Zone.                         | Appropriate to apply this rule to Henley Downs as the zone intends to make use of rear lane forms of development.   |
| 14.2.4.1(xi) - Loading (e.g. currently applies in zones such as the Town Centre).   | Not necessary given the low priority given to commercial activity in the Plan Change.   |
| 14.2.4.1(xiii) - Landscaping of carpark areas   | Not necessary as the comments in respect of 14.2.2.2(i), above.   |
| 14.2.4.3 - Bike park requirements/ standards for Three Parks.   | Not necessary given the low priority given to commercial activity in the Plan Change.   |
| 14.2.4.2 (viii) - Minimum distance between vehicle crossings onto state highways where they pass through certain zones, including Resort Zones. | Whilst probably not necessary given NZTA's powers in relation to LAR's it is simple to add the zone and makes it consistent with other zones in the district. |

The ORC has made a general submission that the Plan Change be declined unless transport matters, including access, connectivity between developments and the State Highway, **walking and cycling networks**, and public transport are given due consideration during structure planning and development of the Outline Development Plan. In response to ORC's general submission, you are referred to the above discussions in relation to 'transport matters', 'access' and roading 'connectivity between developments and the State Highway'. The SDHB also request a greater emphasis is placed on cycling and walking, including requiring the development of a suitable means for commuters to walk/ cycle to Frankton/ Queenstown (potentially within the state highway corridor).

In relation to walking and cycling and public transport, the notified Structure Plan does not show a trail network. The provisions address the issue through an Objective (2), to create "an efficient, safe, healthy, vibrant and attractive urban setting" and associated Policies (2.12 and 2.13) that state that the desired outcome is a well-connected urban structure (including road layout, cycle and walking networks, landuse densities, and block sizes) that<sup>65</sup> reduces travel distance; is logical and legible; provides well-linked safe, attractive, and practical routes for walking and cycling; enables public transport to efficiently service Greater Jacks Point; encourages walking, cycling and (where relevant and practical) public transport use; and accommodates proposed public transport routes. In terms of rules, "the location and suitability of proposed ... public transport links, pedestrian and cycle links" is a matter of discretion at the Outline Development Plan stage, which is, in turn, supported by assessment matters that relate to:

- Whether the proposed walking, cycling and public transport network shall be shown on a map;

<sup>65</sup> (the following are those relevant to the matter under discussion)

- Whether the indicative road layout will facilitate existing or potential future public transport routes through Henley Downs to the Jacks Point Village (noting that indicative locations of future bus stops should be shown);
- Whether road and street design cross sections show...footpaths, walkways, cycleways...and, where relevant...public transport infrastructure;
- Whether road and street designs will enable safe, efficient and pleasant use by vehicles, pedestrians and cyclists;
- Whether, where traffic volumes will be high, road designs show how segregated cycle lanes or safe and practical alternative cycling routes are to be provided;
- Whether, where streets are not proposed to connect, safe, convenient and attractive walking and cycle connections are provided where practical;
- The extent to which any Medium Density Housing precincts are located so as to benefit from reasonable access to... public transport (now or in the future).

In addition, in respect of multi-unit and non-residential developments (which are both discretionary) assessment matters include consideration of cycle parking/ storage.

Outside the District Plan process, the Jacks Point Stakeholders Deed requires that public access routes be formed generally as shown on the Structure Plan attached to the Deed and be formed prior to any residential or commercial activity occurring on that party's land. It also requires that a plan for the public domain be prepared when the Village Outline Development Plan is prepared.

The question is whether these provisions are sufficient. Some options for strengthening the provisions are outlined as follows:

- Amend the assessment matters to not state 'whether' certain desired outcomes are met but, rather, 'the extent to which they are' met or even more directive wording, as in the Three Parks Zone.
- Include an indicative trail network on the Structure Plan. Whilst this is considered to be of limited use given the lack of any underlying masterplan, and the broad-brush nature of the Structure Plan (which does not propose any key activity nodes, other than potentially the wetland) it may still be a simple way to give an indication of what is expected at a high level in conjunction with the key open spaces.

It is noted that, due to the residential focus of this zone, standards relating to cycle parking and end destination facilities are probably unnecessary and that the existing assessment matter relating to this will suffice.

In regard to the SDHB's request that cycling and walking infrastructure be provided beyond the zone for commuter use, it is considered impractical to impose any requirement on the developer to undertake such works. However, discretion over "the location of and suitability of proposed open space areas, public transport links, pedestrian and cycle links" at the Outline Development Plan stage provides an opportunity for the developer to explore such options with NZTA and to propose such a cycle lane, for example, as a method of reducing private vehicle use and encouraging other modes of transport.

## **Recommendations and Reasons**

In order to improve controls over transportation matters and the form and function of the main road, it is recommended that:

- A rule or zone standard is included in the plan change that makes it non-complying to apply for any application (be it an Outline Development Plan, landuse consent, or subdivision consent) that seeks to create an access onto the state highway other than a single access at or in the vicinity of the existing Woolshed Road/ State Highway 6 intersection and that any consent that proposes to upgrade the

Woolshed Road intersection or to close it and create an alternative in the vicinity shall also propose the permanent and physical closure of the existing authorised crossing places CPs 60, 62, and 63.

- The matter of discretion (d) at the Outline Development Plan stage be amended to read:

*“(d) Rooding pattern, proposed road and street designs, intersection design, timing, and funding.”*

- If adequate information is provided by submitters at the hearing in respect of traffic movements and the volumes that will necessitate key intersection upgrades, then it would be appropriate to include such requirements in the rules of the plan change. This might take the form of a rule such as:

Zone standard

*Once the traffic volumes entering the JPRZ, from the Henley Downs Zone, reach (x), the Woolshed Road/ State Highway 6 intersection shall be constructed to a standard acceptable to the NZTA and once traffic volumes reach (y) at the Woolshed Road/ State Highway 6 intersection this shall be upgraded to a standard that is acceptable to the NZTA.*

- The Structure Plan be amended to show the main road more clearly and its alignment as indicative.
- A rule be added requiring that the ‘main street collector road’ shall connect to both the State Highway and the JPRZ and an assessment matter be added that timeframes shall be provided for the completion of this rooding (and conditioned through the Outline Development Plan approval/ decision). In addition, the word “whether” should be deleted from Assessment Matter (c) in regard to ‘Rooding’ (page x-15) to make it clear the connection must occur.
- The connection points of the main street to the State Highway and the JPRZ be shown as indicative on the Structure Plan.
- The Structure Plan be amended to show an indicative open space either side of the main road, and specific policies be added, which provide direction as to the form and function of this road.
- An objective and policies be added, articulating the vision for the main road environment.
- Assessment Matters relating to the Outline Development Plan be added, which provide clear direction as to how the road should be designed (this may include a cross section within the District Plan, as per the Three Parks Zone) and how landuse should interface and access off this road (as shown in the indicative subdivision layout).
- Part 14 rules should be amended as follows:

*14.2.4.1(iv) Parking And Access Design*

*In the LDR and MDR subzones of the Three Parks Zone and in the Urban Activity Area/ Activity Area (R) of the Henley Downs Zone, all back lanes serving residential units shall be in accordance with the standards set out in NZS4404:2004 except as identified in the table below:*

| The actual number of units serviced or the potential number of units serviced by the back lane as a permitted or restricted discretionary activity, whichever is the greater. | Minimum legal width | Maximum legal width |
|---|---------------------|---------------------|
| Back lanes servicing 1 to 16 residential units  | 5 metres            | 6 metres            |

Provided...

And:

14.2.4.2 (viii) *Minimum distance between Vehicle Crossing onto State Highways*  
 The minimum distance between any two vehicle crossings (regardless of the side of the road on which they are located), either single or combined, onto any State Highway situated in those areas zoned Rural General, Rural Lifestyle, Rural Residential, Gibbston Character, Ski-Area Sub-zone, Henley Downs, and Resort on the planning maps attached to this plan, shall be 200 metres.

## 17. ZONING AMENDMENTS BEYOND THE HENLEY DOWNS ZONE

### The Issues and Decisions Requested

A submission has been lodged by Zante Holdings Ltd requesting that the submitter's land, (being the 7630m<sup>2</sup> parcel of that land coloured grey on the below plan and legally described as Lot 400 DP378578), be rezoned from open space to residential, so that it becomes part of the adjoining residential activity area (neighbourhood 1). One opposing further submission has been received from a neighbour. This land is located on Kinross Lane and is in the centre of the developed part of the JPRZ (i.e. it is not in close proximity to the Henley Downs area):



By way of background, a resource consent (RM090252) for a 7 lot subdivision and development of the site was declined by the Council in June 2010. This has since been appealed but the submitter/ appellant has asked the Environment Court not to proceed whilst the submissions to this plan change are heard.

## Discussion

The issues in relation to this submission are:

- Whether this submission is within the scope of the plan change; and
- If the submission is on the plan change, then whether such rezoning is appropriate.

In respect of the jurisdictional matter, the commissioners are referred to a recent High Court case 'Palmerston North City Council v Motor Machinists Ltd' (HC, 31/05/13). In summary, that decision endorsed the bipartite approach taken by William Young J in Clearwater Christchurch City Council; namely whether the submission addresses the change to the status quo advanced by the proposed plan change and, secondly, whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.

With reference to that decision, the Zante submission does not:

- a) Discuss whether the submission addresses the specific change to the District Plan that is proposed by the plan change;
- b) Provide any Section 32 analysis of the re-zoning sought; or
- c) Include records of any consultation with neighbours other than the statutory processes relating to the resource consent application.

Rather, in support of its request, the submitter simply states that:

- a) The plan change makes significant changes to the existing JPRZ and that those changes include amendments to or removal of existing identified boundaries between residential areas and open space areas, thereby enabling more extensive and more efficient use of land suitable for residential activities; and
- b) The zoning of its land as open space instead of residential was a mapping error and that, regardless of the zoning, it has been fully serviced for subdivision.

Based on the case law referred to above, the following comments are made:

- a) This land does not adjoin the proposed Henley Downs Zone but, rather, is at least some 470m away.
- b) The plan change does not seek to change the zoning of Zante's land in any way and, as such, the submission is unlikely to be 'on' the plan change.
- c) The S. 32 report does not address the zoning of the Zante land (or any other land beyond the Henley Downs part of the JPRZ but, to the contrary, pages 5 and 6 of the S. 32 report/ Request report clarifies the scope and purpose of the plan change as follows (emphasis added):

### *1.3 Scope of the Plan Change*

*This Plan Change applies to that land identified on Figure 1 below.*



Consequential changes are also made to the Resort Zone (which applies to Jacks Point, Homestead Bay, Millbrook and Waterfall Park) so as to remove Henley Downs from that zone.

#### 1.4 Purpose of the Plan Change

*This Plan Change Request seeks to amend the Queenstown Lakes District Plan as it applies to the area known as Henley Downs to create a new Henley Downs Special Zone which will enable a range of urban uses while protecting important natural and landscape values. In addition, to enable the rezoning, changes are proposed to Section 12 (Special Zones - Resort Zone), Section 15 (Subdivision) and Section 18 (Signs) of the District Plan.*

- d) With regard to whether there is a risk that affected parties have been denied the opportunity to be involved, whilst the Council took the proactive step of advising those in the vicinity of the Zante site that the submission had been lodged (at the further submission stage), this needs to be considered in light of the fact that private agreements (arguably) prevent or at least discourage landowners from submitting. Furthermore, it does not address the possibility that others from further afield/ not directly affected may have concerns about the re-zoning yet have been denied the ability to submit.

In conclusion, this submission is not considered to be 'on' the plan change. As such, the issue of whether the rezoning sought is appropriate has not been considered in this report. If the commissioners decide that the submission is 'on' the plan change then issues to consider in terms of appropriateness will include any S. 32 analysis provided at the hearing, the findings of the Coneburn Study in respect of that land relative to the area around it, and the matters raised in the Bambers' further submission.

### **Recommendations and Reasons**

It is recommended that the Zante site (Lot 400 DP378578) remain within the open space Activity Area as there is considered to be no jurisdiction to grant the relief.