



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

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

FOR HEARING COMMENCING: 25 November 2013

REPORT DATED: 15 November 2013

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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 response to the letter and amended provisions provided by the Requestor, RCL, dated 6 November. The intention is to provide some commentary on the amended provisions in order to clarify the areas where differences of opinion still exist between myself and the Requestor’s planner.

EXECUTIVE SUMMARY

From my perspective, the key changes in these provisions, as compared to the notified version, are that:

- The name has been changed from Henley Downs to Hanley Downs;
- Most of the Hanley Downs area will be retained within the Jacks Point Zone and a separate Hanley Downs Zone is no longer being sought;
- The area initially shown as “Agriculture, Conservation and Recreation Area” is now a mix of Jacks Point (Open Space Activity Area) and Rural General (ONL) zoning;
- The extent of Area J has been reduced in response to concerns about landscape effects;
- “Medium Density Housing” (MDH) has been defined and, for such development, a (layout) plan and design parameters/ guides are required and development must be consistent with that. In turn, dwellings are proposed to be permitted provided they are consistent with that;
- Additional landscape features are shown on the Structure Plan, although not to the extent proposed in the planners report;
- An upper limit for commercial activities within Hanley Downs (500m² of floor space in total) is proposed and the status of service activities other than those related to Jacks Point development has been increased from discretionary to non-complying;
- The activity status for activities which do not comply with an Outline Development Plan has been increased to non complying
- Greater controls (via a controlled activity consent) have been added for dwellings in the more sensitive ‘semi-rural’ parts of the site
- The policies and assessment matters have become less detailed/ more streamlined.

In summary, my view is that, overall, the amended provisions are positive and are far superior to those that were initially notified. Suffice to say that the differences of opinion/ concerns expressed by myself in the planners report are significantly less than what they were at the time that was drafted.

It is noted that the below recommendations are preliminary only and 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. It is also noted that further advice may be appropriate at the hearing, via questioning of Council’s landscape witness regarding whether the amended extent of Area J is appropriate from an urban design perspective.

PROPOSED AMENDED OBJECTIVES AND POLICIES

The following table provides commentary on the key specific changes proposed by RCL. Conclusions are also drawn where possible as to whether the new provisions are

preferable to both the notified version and that attached to the Planners Report and should be accepted (✓), or is inferior (✗), or whether I have a neutral position (N).

In many instances, the proposed new provisions proposed by RCL (hereafter referred to as the "RCL (v2)") have incorporated the amendments proposed in Appendix B of the Planners report and, where this is the case, no commentary has been provided.

Amended provision	Commentary	Conclusion
Explanation and issue		N
Policy 3.3	<p>The requestor exempts the least sensitive Henley Downs areas from this policy. This is appropriate except that visitor accommodation and non-residential buildings are controlled (including external appearance) and are subject to an assessment matter (xvi) which reads: <i>"The extent to which the design, colour, building materials and landscaping controls may be appropriate to manage potential adverse effects on the landscape..."</i> (RCL (v2)). Also, all buildings must meet reflectivity rules although this may be more an amenity issue than a landscape issue.</p> <p>Recommendation: That Policy 3.3 applies to all Jacks Point as it becomes complicated to apply the policy only to certain development in Henley Downs and it is genuinely something that should be 'had regard to' for any development that triggers a resource consent (by virtue of being over height or highly reflective, for example).</p>	✗
Policy 3.9	<p>RCL (v2) exempts the Henley Downs Area from the Policy to ensure that the sensitive areas achieve a 'net environmental gain'. The term is not explained or used elsewhere in the provisions and therefore the policy is ambiguous and probably relatively ineffective, in any case.</p>	N
Policy 3.10 & 4.1	<p>The requestor prefers 'not highly visible from the State Highway' as opposed to 'readily visible, which is the wording used in Jacks Point. This issue is discussed at Page 61 of the planners report. It is understood the preference for the words "highly visible" is to be consistent with the term used in policy 4.2.5(4)(a) in respect of Visual Amenity Landscapes. However, that policy states <i>"To avoid, remedy or mitigate the adverse effects ... on the visual amenity landscapes which are highly visible from public places ... and visible from public roads"</i>. Therefore to be consistent the Henley Downs policy would need to be re-cast in that manner.</p> <p>Recommendation: Simpler and equally effective to apply the Jacks Point terminology in this case, despite the fact it (as with the word 'highly'), is subjective.</p>	✗
Objective 4	<p>Whether RCL (v2) or the planner's report version is preferred will depend on whether the commissioners decide that non-residential uses and MDH should be consolidated (e.g. in Area G and/ or on</p>	Depends on rules

Amended provision	Commentary	Conclusion
	<p>the main road). If a consolidated core is preferred, then the objective in the planners report is preferable but could be simplified as follows:</p> <p><i>“Hanley Downs comprises a number of residential neighbourhoods of varying densities, focused around consolidated core of non-residential uses and medium density housing, which will support rather than compete with the Jacks Point village.”</i></p>	
Policy 4.2	<p>The words “development ... <u>shall be consistent with</u> an approved Outline Development Plan”, as per the planners report version) are considered stronger than ‘<u>to align development with</u> ... Outline Development Plan” proposed in RCL (v2). However both are likely to be acceptable.</p>	N
Policy 4.3	<p>RCL (v2) provides a succinct summary of what the Outline Development Plan is intended to achieve. However, it is questioned whether this policy simply re-states the rule and whether it adds significantly to the rules.</p> <p>Recommendation: Re-word the policy as follows:</p> <p><i>“To <u>ensure</u> all Outline Development Plans:</i></p> <ul style="list-style-type: none"> • <i>Give effect to the Structure Plan;</i> • <i>...</i> <p>Change various bullet points as follows:</p> <ul style="list-style-type: none"> • <i>To promote the <u>Protects</u> of the wetland...</i> • <i>To promote <u>Provides</u> an urban structure...</i> • <i>To promote <u>Provides</u> lot layouts...</i> <p>With these amendments, whilst not as detailed, this policy is likely to adequately capture policies 3.18, 3.20, and 4.8 of the planners report version.</p> <p>Recommendation: Accept in preference to the planners report version.</p>	✓
Policy 4.4	<p>This wording is preferred over Policy 3.18 that was included in the planners report</p>	✓
Policies 4.5	<p>Recommendation: accept provided it is strengthened by amending the wording as follows:</p> <p><i>“To use <u>ensure</u> residential controls to promote development provides privacy...”</i></p>	✓
Policies 4.6	<p>Recommendation: Accept this in preference to policy 4.5 of the planners report version, provided it is strengthened by amending the wording as follows:</p> <p><i>“To manage <u>ensure</u> the location and design of medium density</i></p>	✓

Amended provision	Commentary	Conclusion
	<p><i>housing so as to contributes to neighbourhood amenity and provides..."</i></p> <p>Note: Policy 4.3 of the planners report version should be retained to encourage the majority of MDH to be located in Area G and the rules should still limit the development of MDH precincts to Areas D, E, and F.</p> <p>Recommendation: Accept this in preference to the planners report version.</p>	
Policy 4.7	Recommendation: Accept this in preference to the planners report version.	✓
Policy 4.6 (should be 4.8)	<p>The policy enables non-residential uses throughout the area provided residential amenity is not compromised, it is limited in scale, and service activities relate only to property development.</p> <p>Even though a maximum of only 500m² of total commercial space is now proposed, a strong objective and policies will be necessary to support this.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Accept the 500m² cap on commercial activity • Policy 4.4 of the planers report version is still considered helpful and should be retained • The approach taken in the planners report version that service activities related to the development of the zone be located within an AA (or failing that, a precinct) is preferred and, as such, a policy such as 4.6 of the planners report version is appropriate. This is further discussed below. <p>Given the small scale of commercial now proposed, it is likely unnecessary to require it to be located within Area G. However, it is still considered the most appropriate area for MDH and visitor accommodation given its proximity to the village and ability to help support that. As such, there is still some validity in encouraging, if not requiring, community facilities to locate there.</p> <p>Policy 4.1 of the planners report version is now unnecessary given the small scale of commercial allowed and 'commercial activity' can be removed from policy 4.3 of planers report version.</p> <p>In deciding which approach it prefers, the commissioners will need to consider a) the fact the requestor now proposes that commercial uses be capped at a total area of 500m² over the Hanley Downs area and consider whether, at this scale there is any need to dictate the location, b) whether there is still a need to consolidate MDH and community facilities in Area G in the manner suggested in the planners report given the further refinement of the rules proposed by RCL.</p>	

Amended provision	Commentary	Conclusion
Policies 4.7 (should be 4.9)	<p>Recommendation: Accept this, provided it is strengthened by amending the wording as follows:</p> <p><i>To manage ensure the location and design of buildings for commercial... <u>buildings</u>... so as to contribute to neighbourhood amenity and minimises effects...</i></p>	
Policies 4.8 (should be 4.10)		
Policies included in the planners report version and not proposed in RCL (v2)	<p>Further to the above comments, the following policies from the planners report are not adequately captured in RCL (v2) and should be retained, potentially with amendment:</p> <ul style="list-style-type: none"> • Policy 4.1 - clarifying how the two parts of Jacks Point will be integrated. • Policy 3.21 - clarifying the form and function of the main road 	

PROPOSED AMENDED RULES

Amended provision	Commentary	Conclusion
12.2.3.2 (vii) - controlled commercial, visitor accommodation, and community activities/buildings	<p>RCL(v2) proposes all such activities/ buildings within precincts be controlled activity (vs. the notified version, in which all were restricted discretionary activity and in the planner's report where those in G were controlled and elsewhere restricted discretionary activity). Whilst there is merit in making the rules more permissive in Area G vs. other areas in order to encourage it to locate there, this may be beyond scope of the submissions and the controlled activity rule for all non-residential uses proposed in RCL (v2) is almost certainly beyond scope.</p> <p>Recommendation: To not accept RCL's proposed amendments to this provision and the consequential changes.</p>	✘
12.2.3.2 (vii) - buildings	<p>Throughout the proposed amended provisions, RCL (v2) changes the Activity Area 'R(HD)' to 'Development Area'. The reason is unclear but it is considered to add confusion; make it less clear that these are, indeed, residential areas; and introduce an unnecessary distinction between this area and the rest of Jacks Point, which are all denoted in the same manner (e.g. R(JP)).</p> <p>Recommendation: To not accept the change from 'R(HD)' to 'Development Area'</p>	✘
12.2.3.2 (viii) - parking etc.	<p>RCL(v2) proposes to exempt Hanley Downs. Even though a) the purpose of this rule is unclear (the only assessment matters relate to the Rural visitor zone; not the resort zone, which indicates it maybe an error) and b) these issues should all be dealt with through part 14, it is probably worth applying the rule to Hanley Downs for the following</p>	✘

Amended provision	Commentary	Conclusion
	<p>reasons:</p> <ul style="list-style-type: none"> • There is no discretion or assessment matters over access at the Outline Development Plan stage (which will precede subdivision, which is when the matter is normally considered) and no assessment matters; • There is no discretion at the Outline Development Plan stage over carparking (although there are assessment matters); and • Due to the above, it could be unclear whether Part 14 is to be considered at the Outline Development Plan stage. 	
<p>12.2.3.2 - Controlled Outline Development Plan - Jacks Point, and 12.2.3.4(xiv) restricted discretionary activity Outline Development Plan - Hanley Downs</p>	<p>In the planner's report version this rule specifically exempts the Hanley Downs Area (i.e. it does not apply to the Hanley Downs area) and instead, a restricted discretionary activity Outline Development Plan rule applies specifically to the Hanley Downs area (which gives it the same status as the notified version). However, RCL (v2) applies both the controlled activity rule (presumably in relation to those matters listed as having control over) <u>and</u> a restricted discretionary activity rule, which is confusing (in terms of activity status, etc.), and results in duplication.</p> <p>Also, the rules in the RCL(v2) often refer only to the Hanley Downs Area yet they need to refer to the Hanley Downs part of the Jacks Point Zone in that Hanley Downs is not a zone in itself.</p> <p>With regard to the various matters of discretion, RCL(v2) does not include discretion over viewshafts and over intersection design, timing, and funding, (which were recommended in the planners report), and has retained discretion only over the biodiversity management of the wetland and not the additional areas mentioned in the planners report and ecological report. However, RCL (v2) has added matter (n) re the removal of wildings and (o) re commitments to close roads,</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Retain discretion over the timing of the main road connections in order to be sure the road will be connected in a timely manner unless the commissioners are satisfied that the rules requiring intersections to be created at certain trigger points will achieve this, in any case. • Not retain discretion over viewshafts as Dr Reid has not identified the preservation of view shafts as being of particular importance. • Not retain discretion over funding and intersection design as the developer will need to contribute to the costs regardless of the discretion to impose conditions to this effect, and Intersection design can be captured/ considered under 'roading design', without having specifically state this. 	<p>x/ ✓</p>

Amended provision	Commentary	Conclusion
12.2.3.3 - Forestry , limited to harvesting	Recommendation: the RCL (v2) amendment be accepted (Also see definition of forestry).	✓
12.2.3.4(v) vegetation (f)	<p>These indigenous vegetation provisions (taken from the Rural General section of the Plan) are applied to all of Hanley Downs area in the planners report version, albeit there is a note suggesting it should potentially only apply in the open space area. The RCL(v2) only applies them to the open space area.</p> <p>Recommendation: Provided the landscape features (refer RCL (v2)) are included in the open space area, then the RCL (v2) amendments to these provisions can be accepted.</p>	✓
12.2.3.4(viii) - Pools and L and H as homesites and site standard 12.2.5.1 (iv) planting.	<p>Recommendation: That H (HS37) and L (HS38) remain homesites. RCL is understood to have a concern relating to planting obligations imposed by the following rule but if the commissioners are sympathetic to this, then the amendments shown below could be made or, more appropriately, given that the planners report recommends that subdivision in the open space area be xx then it would follow that the lots would follow the homesite boundary in any case and therefore the planting rule would be applied only to the 6,000m² homesite/ title.</p> <p><i>“12.2.5.1 site standard iv Planting (Jacks Point Zone)</i> <i>No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been revegetated with native vegetation. The area required to be re-vegetated for the purposes of this rule shall be the greater of 3,000m² or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated, provided that in the Hanley Downs part of the zone, the homesite Activity Area shall be deemed to be ‘the lot’ even if the title extends beyond this¹. The area to be revegetated may, at the election of the owner of lot or title, be situated all or partly within the lot or title within which the Homesite Activity Area is situated and/or all or partly in another location(s) agreed by the Council...”</i></p>	✗
12.2.3.4(x) - Health and education services		N
12.2.3.4(x) - activities related to property development Also see: 12.2.3.5 - Non complying industrial and	<p>The RCL provisions (v2) a) propose to provide for service and commercial activities associated with developing and selling the zone as a discretionary activity anywhere in the zone and all other services as non-complying (whereas it was discretionary in the notified version) and b) do not propose an Activity Area for services to be located within.</p> <p>Commercial activities related to the Jacks Point development can be included within the 500m² cap; noting that the developer can opt to occupy a premise in the early stages of the development for marketing</p>	✗

¹ This would result in 3,000m² of planting in relation to each of the homesites.

Amended provision	Commentary	Conclusion
<p>service activities) and 12.2.3.5 (xi) - Non complying - Activities outside precincts.</p>	<p>purposes, for example, and then vacate once the development is mature enough to sustain commercial uses/ the full 500m² is occupied.</p> <p>There is no service Activity Area in Jacks Point. However, it is unclear whether buildings for such services would be non complying or discretionary (12.2.3.4(i)(d)). Such ambiguity is undesirable.</p> <p>Recommendation: That service activities are provided for through an Activity Area or, failing that, a precinct (which would require the addition of rules) and 2)</p>	
<p>12.2.3.4(xiii) - Discretionary - Commercial recreation activities (CRA)</p>	<p>CRA are defined as:</p> <p><i>“The commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities”.</i></p> <p>CRA is not listed at all in the resort zone. It is therefore unclear whether the activity defaults to a ‘commercial activity’ or is permitted subject to meeting standards. The definition of ‘commercial’ excludes recreation activities but it is unclear whether this is intended to also exclude CRA. For comparison, CRA are discretionary in the LDR and HDR zones and controlled in commercial precincts within those zones. The residential zone rules seems appropriate in the Hanley Downs context, noting that the rules in the planners report version make some exemption for CRA in terms of calculating the allowable commercial space within the zone.</p> <p>Recommendation: The status of CRA in the resort zone be determined (through a legal opinion if need be). Provided there is scope, then site-specific rules relating to CRA as per the LDR and HDR zone should be included in the Hanley Downs Plan Change.</p>	
<p>12.2.3.4(xv) - Discretionary: Plans and designs for MDH</p>	<p>MDH is proposed to be defined as a unit on a site smaller than 400m² and/ or residential development or more than 3 attached units.</p> <p>RCL (v2) proposes that plans and design parameters for MDH within approved precincts is a RDIS; that any MDH outside a precinct would be non complying and that development within the precinct that is inconsistent with an approved (layout) plan would be non complying. The buildings themselves are then permitted provided they are consistent with the approved layout plan and design guides. NB: RCL (v2) does not propose discretion over density at the Outline Development Plan stage.</p> <p>On the whole, this approach will be effective at ensuring MDH is well designed. The only issue is whether one site of less than 400m² on a street that is otherwise larger lots would require that one lot to be shown as a MDH precinct, which may be unnecessary.</p> <p>Alternatively, the planners report version proposed that: All MDH and</p>	<p>✓</p>

Amended provision	Commentary	Conclusion
	<p>non-residential development would be RDIS within a precinct and a development of more than 3 units would also be RDIS, regardless of its location; that the design of MDH precincts is added as a matter of discretion²; that any MDH or commercial building not within an approved precinct is non complying; and that MDH needs to be defined; and that MDH only be located/ enabled in certain AA's.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • The definition proposed in the RCL provisions (v2) is appropriate but could be amended to include any area with an average site size of less than 400m². • Adding a step in the consenting process whereby a layout plan and design guides need to be approved but then enables the housing itself as permitted is supported. This is similar to the block plan required in the Three Parks Zone and commissioners should also consider those provisions and their application to Hanley Downs. • That, subject to refinement (including that MDH should only be in E, F, and G), RCL's proposed approach be accepted 	
12.2.3.5 (iii) Non complying Forestry	RCL (v2) accepts that forestry other than harvesting be non complying (consistent with the rest of Jacks Point), whereas it was discretionary in the notified version.	✓
12.2.3.5 (vii) - Non complying buildings	RCL (v2) no longer require buildings in J to be within a building platform, as is the case in the planners report version, although it is noted that Area J is now considerably smaller (now 2.8 ha) and, at the urban density proposed in the RCL provisions (v2) would enable between around 20 - 40 dwellings, in which case, there would be no merit in requiring building platforms.	Depends on density decided
12.2.4 Notification	<p>RCL (v2) proposes that, in addition to the matters already listed for the Jacks Point zone, Outline Development Plans, MDH plans and design parameters be non notified and notice not be served on any party; and that the sale of liquor outside of precincts and earthworks will be non notified but that affected party approvals may be required. The reason the planners report version re-states the fact that controlled activities shall be non notified in Hanley Downs is that the wording for the Jacks Point is out-dated and could be subject to legal scrutiny. The reasons for the wording in the planners report version are outlined on pages 48-49 of that report.</p> <p>Recommendation: With the exception of amending the reference to 'restricted discretionary residential development' (being that over 3 units) to MDH plans and design parameters, the wording in the planners report is favoured.</p>	✗

² Which would have a similar outcome to the new plans and design parameters rule now being proposed.

Amended provision	Commentary	Conclusion
12.2.5.1 - Site Standards		
(ii) Setback from Roads and Internal Boundaries -	<p>The RCL provisions (v2) exempt the Hanley Downs area from the rule that buildings not be closer than 20m to the Zone boundary. The boating facilities area is already exempt from this for obvious reasons but it is unclear as to why Hanley Downs should be exempt when the rule currently applies anyway. It may stem from the fact RCL proposes much of the area included as open space in the planners report version be Rural General/ outside the zone and that they do not wish to provide a 20 m setback from this. If it does not become Rural General, then the 20 m setback will be of little if any consequence.</p> <p>The RCL provisions (v2) remove the 1.5 m internal setback for MDH, and non-residential buildings; and to reduce the setback of garages from the front façade from 1.0 m to 0.5 m³). The removal of the 1.5 m setback may be due to the inclusion of the need to provide layout plan or may simply be an error. In any case, this is likely to raise scope/ jurisdictional issues.</p> <p>Although not as effective, the garage setback is probably still sufficient to achieve the purpose of not having garages dominate the streetscape.</p> <p>Recommendation: That the 20 m setback applies to the Hanley Downs area ; that further evidence is required in relation to the 1.5 m exemption; and that the garage rule is acceptable</p>	x/ ✓
(ii) Continuous building length.	The RCL provisions (v2) adopt the suggestion in the planners report however, it is suggested that the equivalent rule in the HDR Zone of the District Plan may be more effective.	N
(iv) Planting	As discussed above.	
(xiii) Building Height	<p>The RCL provisions (v2) propose to enable 10 m high buildings with no recession planes within the precincts; consistent with the notified version and in contrast to the planners report version, which proposes an 8 m height limit in the precincts as permitted and between 8 - 10m as restricted discretionary and up to 10 m in the dedicated mixed use area G as permitted).</p> <p>Recommendation: That the 2 tiered approach in the planners report is preferable or, if that is too complicated, then simply make all buildings regardless of type of location 8 metres and vary the recession planes depending on whether it is within or outside a precinct. The height allowance in G will depend whether a mixed use area is created at all.</p>	x
12.2.5.x - Zone Standards		

³ This mistakenly sits under the internal rather than road setback

Amended provision	Commentary	Conclusion
(ii) Building Height	<p>Instead of adopting the simple 8 m (with no recession plane) rule of the Jacks Point Zone as per the planners report, the RCL (v2) apply the 7 and 8 m heights rules from the residential zones of the District Plan with the exception that it applies a 45° recession plane on flat sites and one of 25° on sloping sites. This is unusual in this district and it would be interesting to hear RCL's reasons behind this. RCL (v2) enables 7/ 8 m high buildings rather than adopting the 5m homesites height rule, as per the planners report version.</p> <p>Refer above regarding heights in the precincts.</p>	N/ ✗ in respect of the height in homesites
(vi) - building coverage	<p>RCL (v2) includes a (new) maximum building coverage on any site of 45% (as per the planners report version) but not the 'or 300m², whichever is lesser' and has excluded the precincts from having to comply with this rule. The 300m² comes from the design guidelines for Jacks Point (residential) and is effective at limiting the scale of built form and encouraging some 2 story dwellings, which will assist with integrating the two areas.</p> <p>Recommendation: That the 45% is also applied to the precincts (noting that the relaxed recession planes enable more 2 storey dwellings); that, if the 300m² maximum is retained the wording needs to be improved to make it clear this is ground floor area and; that it is likely that the 300m² maximum is not relevant to the precincts where a number of units may be built on one title and not (ever) subdivided.</p>	✗
(xv) - Net densities	<p>The RCL (v2) propose net densities rather than gross densities and now endorses a specific range in density that shall be achieved rather than a maximum number of units that is enabled. I have no particular preference for whether gross is net is used but gross does have the benefit of being consistent with the rest of the Jacks Point Zone.</p> <p>Appendix 2 compares the densities in the two latest versions of the provisions. Whilst there appears to be some difference between the density proposed in RCL (v2) and the planners report, this is difficult to determine due to the shift from gross to net densities. I expect evidence will be presented from RCL on this matter so will not consider in detail at this point. It is also expected that RCL will provide evidence in relation to the ability of Area L/ homesite 36 to absorb 2 dwellings and the appropriateness of retaining Area J, as now proposed in RCL (v2).</p>	N
Xvi (from planners report version) - Visibility from the state highway	<p>RCL (v2) do not support a zone standard requiring planting to be established prior to building in areas which would otherwise be readily visible.</p> <p>Recommendation: To not accept RCL (v2) amendments</p>	✗
Xvi - Nature and Scale of	RCL (v2) proposes replacing the zone standard proposed in the planners	✓ (with

Amended provision	Commentary	Conclusion
Activities (Hanley Downs Activity Area)	<p>report stating:</p> <p><i>“No Commercial and Community Precinct (excluding those for outdoor commercial recreation activities) shall exceed 550m² area”</i>; with the following:</p> <p><i>“The total floorspace of all commercial activities in the Hanley Downs Activity Area shall not exceed 500m²”</i>.</p> <p>The difference is that the first relates to the total amount of land within the precinct and the second relates to floor area. The second (proposed in RCL (v2)) is probably a little more generous but, given there could be second storey (non retail) commercial is realistic, it could be much the same.</p> <p>Recommendation: If the planners report version is preferred then it needs to be clarified that there shall only be one such precinct and if RCL (v2) is preferred it needs to be clarified that this 500m² should all be located within a single commercial precinct.</p>	amendment)
Xviii - Compliance with Outline Development Plan)	<p>RCL (v2) change the provision from referring to “No subdivision or development in the R and Mixed use areas” (i.e. the planners report version does not require compliance with Outline Development Plans in the open space or rural living areas) to “No subdivision or development for a residential, visitor accommodation, commercial, or community activity”. It is understood that this is to enable development or subdivision relating to farming, for instance, to proceed in the absence of an Outline Development Plan. This may be appropriate</p>	N
Xviii - Structure Plan adherence/ connectivity	<p>RCL (v2) change this provision from requiring all activities to be located in the appropriate activity area (instead relying on the Jacks Point site standard to do this) to focusing solely on connectivity/ roading issues related to the Structure Plan.</p> <p>Recommendation: That the planners report version be accepted as it triggers a non complying, as opposed to discretionary resource consent if an activity such as commercial is proposed in the open space area, for example.</p>	x
Xiv (c) - Biodiversity Values	<p>RCL (v2) include the need for a biodiversity plan for the wetland as a zone standard but do not endorse the level of detail that is included in the planners report version. This further detail derives from recommendations made in the ecological report attached to the plan change request.</p> <p>Recommendation: Include this extra detail within the District Plan provisions somewhere in order to clarify what is required of the biodiversity management plan</p>	x/ ✓
Xviii - Roads, access, and	<p>RCL (v2) amend the wording of these provisions. Commissioners will need to satisfy themselves that they are still sufficiently strong.</p>	N

Amended provision	Commentary	Conclusion
connectivity		
Xxii- Traffic noise	<p>RCL (v2) do not include the zone standard relating to the management of reverse sensitivity from traffic noise, as requested by NZTA.</p> <p>Recommendation: Include, as per the planners report version.</p>	x
The Structure Plan (Refer to Appendix B)		
	<ul style="list-style-type: none"> • The R and RL areas have been replaced by development plan areas. • There is no mixed use G area or support for clustering medium density housing or commercial in that area (or presumably any other) location. • Much of the Open Space (Peninsula Hill...) Activity Area and the Open Space (State Highway Protection) Activity Area have been removed from the zone and replaced by Rural General, which, as I understand it, more or less, follows the ONF line. • The boundaries of the various development plan areas within the overall Hanley Downs Activity Area have been modified. • The main road has been realigned slightly. • The gully, hillock in G, and creek are shown as “landscape features” (rather than part of the open space area) and all (and the hillock in particular) are smaller than in the planners report version. The wetland is shown as part of the Open Space Area but is smaller than in the planners report version (likely similar to or the same as the notified version). As there are no references to a ‘landscape features’ in the rules or assessment matters, there is no particular control over the areas shown. To give the features weight additional drafting would be needed, which would be unnecessary if ‘open space’ is applied, as per the planners report version. • A trail network has been added to the Structure Plan in the RCL (v2). • The concept of a 20 m green corridor either side of the main road has been removed from the RCL (v2). <p>Recommendations:</p> <ul style="list-style-type: none"> • Unless RCL can provide good reason for the development plan areas and overall Hanley Downs Activity Area structure then retain the annotations in the planners report version as, otherwise, it adds a new set of terminology and all reference to R areas in the Jacks Point Zone are redundant. • For reasons outlined in the planners report and Dr Read’s report; all the land is retained within the zone and that the Open Space (Pen Hill) zoning is retained. • The realignment of the road is accepted (noting that its exact alignment can be further changed at the Outline Development Plan stage, in any case) • Retain the gully, hillock in G, and creek as ‘open space’ (including their extent) as per the planners report, rather than as landscape features. 	x

Amended provision	Commentary	Conclusion
	<ul style="list-style-type: none"> Unless compelling evidence is provided by RCL as to how their provisions will ensure that the main road design and the interfacing landuse will integrate well with the wider Jacks Point area, then retain the concept of a 20 m strip. 	
Assessment matters		
12.5.2(ii)(b) - Buildings	<p>Recommendation: To accept the changes proposed in RCL (v2), which acknowledge that the building controls appropriate in the more sensitive areas of Hanley Downs are different to those that apply to the urban parts of Jacks Point outside of Hanley Downs.</p>	✓
Xv - Controlled activity Outline Development Plans (b) village area assessment matters	<p>The planners report version also applied these existing assessment matters to the MU/ G area but this is not endorsed by the RCL (v2) provisions.</p> <p>Recommendation: Given that an Outline Development Plan in Hanley Downs is a RDIS activity then it is correct not to refer to G within this assessment matter. Also, now that RCL is only seeking a total of 500m² across the whole area then, as long as the objectives and policies adequately support this, there is no need for these village-type assessment matters to apply to the Hanley Downs area.</p>	✓
xvi- Controlled non-residential buildings in precincts	<p>Such buildings are RDIS in the planners report version.</p> <p>Recommendation: To not accept the changes proposed in RCL (v2) as there are likely scope issues in doing so.</p>	✘
xvii - Controlled Forestry	<p>Recommendation: To accept the changes proposed in RCL (v2).</p>	✓
Xviii - RDIS Outline Development Plan	<p>Assessment matters relating to the following matters that were in the planners report version but are not included in the RCL (v2) provisions:</p> <ul style="list-style-type: none"> The comprehensiveness of the Outline Development Plan (signalled in the planners report as potentially unnecessary); visual connections from habitable rooms to the street; density; the timing of the main road; the landscape treatment of the open space corridor adjacent to the Main Road; Activities proposed outside identified precincts and the Mixed Use Area; commercial precincts being on the main road and positively contributing to the greater Jacks Point area and drawing its design from the existing character, scale and pattern of development; whether there is good reason why the MDH, commercial, or community activity cannot locate within the Mixed Use Area; Height within the proposed precincts (as a discretionary allowance); Biodiversity of areas <u>in addition to</u> the wetland shown on the Structure Plan (i.e. the RCL (v2) includes assessment matters re the wetland); 	

Amended provision	Commentary	Conclusion
	<ul style="list-style-type: none"> • Water and wastewater and has replaced the earlier stormwater assessment matters with that requested by ORC. <p>Also:</p> <ul style="list-style-type: none"> • Some detail that was, in fact, sought in RCL’s submission, is not included in the RCL (v2) provisions in order to simplify them; • the roading and connectivity assessment matters have been simplified; • the assessment matters relating to the form and function of the main road are now less directive; • the assessment matters relating to open space and trails are simplified and less directive; • RCL (v2) adds assessment matters relating to the removal of wildings and the closure of accesses on to the state highway. • RCL (v2) adds assessment matters relating to plans and design <p>Recommendations:</p> <ul style="list-style-type: none"> • If the Structure Plan is clear and the provisions are strong such that non-residential activities outside of precincts are noncomplying (as per the planners report version), then the assessment matters relating to this matter are unnecessary. • The streamlining of the roading-related and open space-related assessment matters may well be appropriate, particularly if rules requiring certain connections to be made are retained; • The assessment matters re mitigating visibility from the state highway should be retained in order to achieve the policy of not being readily visible. • By adopting the outcome-based stormwater assessment matters suggested by ORC and the cross referencing to Part assessment matters, the others are no longer necessary. • If the commissioners decide not to include rules <u>requiring</u> the closure of roads and removal of wildings, (as per the planners report version), then the assessment matters relating to those matters proposed by RCL are an appropriate (although less effective) alternative. • Whilst recommendations are not made in respect of many of the differences between the two versions, they will need to be carefully considered by commissioners once they are clear on the direction they wish to take. 	
Xix - plans and design parameters for MDH	RCL proposes to enable houses within MDH precincts as permitted provided they accord with an approved layout and design guides. This concept of a layout place etc. is also foreshadowed in the planner’s report, which includes an assessment matter “Whether the building layout shown within the precinct achieves the following: ... (insert from Three Parks assessment matters relating to block plans)”	✓

Amended provision	Commentary	Conclusion
	Recommendation: Accept the 'block plan' concept; ensure the provisions are sufficiently robust to ensure good design; and, in turn, make built form within MDH precincts permitted or controlled.	
Assessment matters from the planners report that are not included in RCL 9v2)		
Setbacks from internal boundaries	Recommendation: Not critical but suggest including the assessment matters from the planners report, or similar.	✘
Fence height in the Jacks Point	Recommendation: Not critical but suggest including the assessment matters from the planners report, or similar.	✘
Discretionary mining	Recommendation: Not critical but suggest including the assessment matters from the planners report, or similar.	✘
Activities inconsistent with an approved ODP	Recommendation: Not necessary to retain provided activities inconsistent with an Outline Development Plan are non complying.	✓
Controlled buildings in the Open Space Area	Recommendation: Include the assessment matters from the planners report, or similar.	✘
General		
	<p>Throughout the RCL provisions (v2) refer to the Hanley Downs Activity Area rather than the "Hanley Downs part of the Jacks Point Zone" and the Jacks Point (Hanley Downs) Zone" as per the planners report version. This is inconsistent with the current structure which already distinguishes Homestead Bay from the rest by stating either the "Homestead Bay area of the Jacks Point Zone" or heading up site-specific rules as "Jacks Point - Homestead Bay".</p> <p>Recommendation: Unless RCL can provide good reason for its terminology, then it should be discarded as it further complicates the zone.</p>	✘

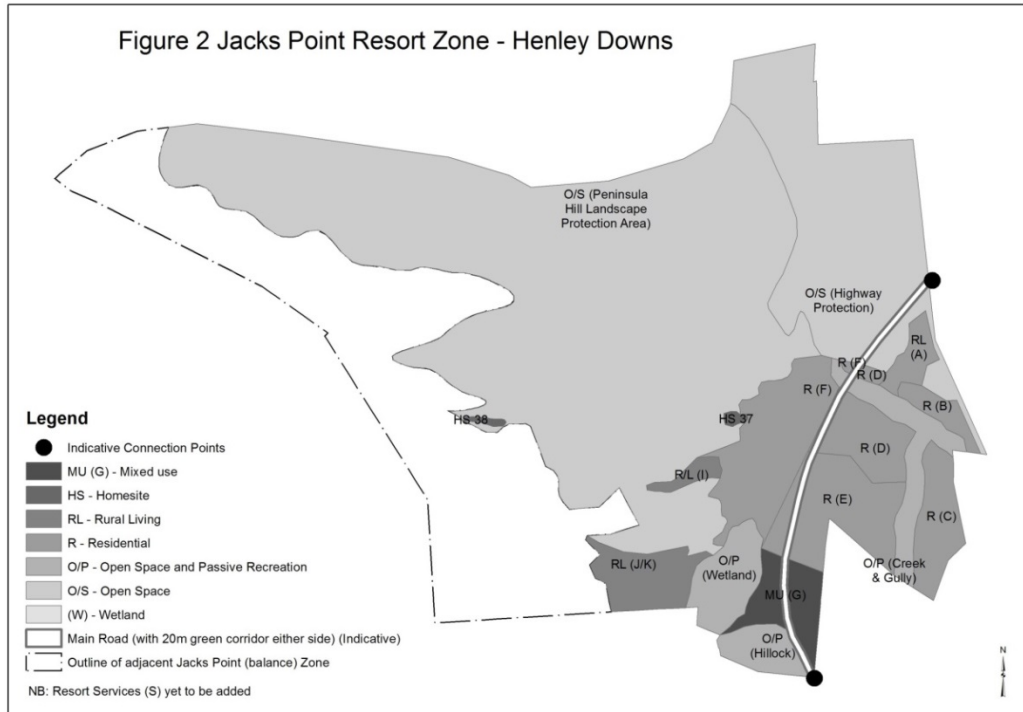
DENSITY COMPARISONS BETWEEN THE VARIOUS VERSIONS OF THE PROVISIONS

Development Plan Area	Net density (dwellings per Ha) proposed in RCL (v2)	RCL (v2) converted to gross density (assuming 30% of total land in each area is non-developable land)⁴	Maximum gross density - notified version	Gross density - planners report version
B	15-22	10.5 - 15.4	12.6	10 - 12
C	15-22	10.5 - 15.4	15	10 -13
D	17-26	11.9 - 18.2	18	16 - 18
E	17-26	11.9 - 18.2	18	16 - 18
F	17-26	11.9 - 18.2	18	16 - 18
G	25-45	17.5 - 31.5	35	27 - 33
J	11-21	7.7 - 14.7	15.6	2

⁴ It is understood that more land than the industry 'norm' of 30% may be taken out of the net densities proposed, which would mean that a lower density/ yield would be realised than is outlined above. This will depend entirely on what land RCL propose to exclude from the net land area and evidence on this matter at the hearing will be useful.

A COMPARISON OF THE PLANNERS REPORT VERSION OF THE STRUCTURE PLANS AND THE RCL (V2) STRUCTURE PLAN

Planners Report Structure Plan



RCL (v2) Structure Plan

