

Appendix D - A copy of the Appellant's submission and further submission

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

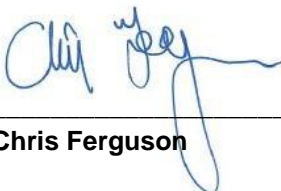
Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited ("Jacks Point") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

Jacks Point confirms its submission does not relate to trade competition or the effects of trade competition.

Jacks Point would like to be heard in support of its submission.

If other persons make a similar submission then Jacks Point would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

For and behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

23rd day of October 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and Matters Raised, in the submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. Jacks Point are owners, developers and proponents of the masterplanned community in the area known as the Jacks Point Resort Zone under the operative District Plan. That zone forms three distinct components: Jacks Point, Henley Downs and Homestead Bay, which are part of the wider Coneburn Area.
2. Since its creation, development within the zone has been mostly restricted to the land located within the Jacks Point part of the Zone. This has included establishing several residential neighbourhoods, the Golf Course, Club House and investing significantly in the formation of vehicle access, water supply, wastewater treatment and stormwater infrastructure. In addition the emerging settlement includes large areas of open space that have been established to provide areas of private amenity, native vegetation enhancement, public trails and landscape protection.
3. Further changes are planned for the Henley Down land, promoted through private plan change 44. PC 44 proposes to increase the diversity and density of housing choice, provide for new areas of low density and rural residential development and the establishment of an area for education and innovation, along with a new primary road connection onto State Highway 6 at Woolshed Road.
4. Jacks Point has worked together with the Council on the formulation of a new Jacks Point Zone, including the design of a single structure plan for the wider Jacks Point area, drafting new and updated provisions, section 32 reports, specialist landscape reports, consultation and other background investigations.
5. This submission to the PDP is in general support of the Jacks Point Zone, the single structure plan and related provisions that seek to support an integrated settlement at Jacks Point.
6. In addition this submission seeks to make a small number of minor amendments to the structure plan and related provisions. The nature of these are detailed in the attached table.

SECTION B: REASONS FOR, AND MATTERS RAISED IN, SUBMISSION

Overview of relief sought

7. This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to Jacks Point.
8. A number of small changes are sought to the objectives, policies and rules of Chapter 41 Jacks Point Zone and Chapter 27 Subdivision. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also address internal inconsistencies.

9. The specific changes sought to the PDP provisions are detailed within Section C of this submission.
10. Jacks Point seeks amendments to the plan provisions to achieve the following objectives:
 - (a) To amend the default status of subdivision undertaken within the Jacks Point Zone, which complies within the relevant standards and location specific provisions, to be controlled.
 - (b) To amend the structure plan to refine the areas of particular activity areas in a manner that better reflects established land use activities, topography and landscape and amenity values.
 - (c) To make a number of minor corrections, edits, deletions or insertions as necessary to clarify the status of activities, cross references to related rules or intended meaning.
 - (d) To provide a consistent approach to methods developed for the management of access to the State Highway under Plan Change 44.
11. Jacks Point supports the following general changes proposed within the Jacks Point Zone:
 - (a) The formulation of a single structure plan to provide an integrated basis for the spatial layout of development across the wider Coneburn area together with the removal of the requirement to prepare and implement Outline Development Plans.
 - (b) The addition of new and amended activity areas on the structure plan, including the Education Innovation Campus and Education Activity Areas, the new residential activities areas, the areas of farm preserve and conservation lots.
 - (c) The additional and redrafted objective and policies for the zone seeking to provide greater clarity on the outcomes expected from the Zone and the measures to integrate management of its natural and physical resources.
 - (d) The removal of controlled activity status across all building and introduction of new rules controlling the bulk and location of buildings.
 - (e) The introduction of a new density rule controlling average density within the residential activity areas, to provide greater certainty and as a replacement to the density master plan and outline development plan.

Subdivision

12. Whilst the district wide submission by Darby Planning LP addresses the subdivision chapter generally, Jacks Point seeks to specially address status of subdivision within the Jacks Point Zone as this departs from the default discretionary activity status adopted by the PDP.
13. The status of subdivision within the Jacks Point Zone defaults to a restricted discretionary activity under Rule 27.4.3 because subdivision needs to be undertaken in accordance with a structure plan or spatial layout plan identified in the District Plan.
14. Under the operative District Plan, the default status for subdivision is controlled, provided relevant standards are met. Jacks Point submits that the default status for subdivision within the Jacks Point Zone should remain as controlled and not restricted discretionary, as proposed.
15. The general reasons for seeking this relief, are as follows:
 - (a) There has been no demonstrable need for a change from the status quo. The Council's section 32 has failed to establish the resource management issue that requires an elevation in status to restricted discretionary.

- (b) Controlled activity status certainty for landowners, residents, developers and purchasers that resource consent will be granted, subject to the achieving appropriate standards of design, servicing, access, etc.
 - (c) The existing structure provides additional site and zone standards that elevate status to restricted discretionary and non-complying (respectively) for any particular aspect of subdivision activities failing to meet those standards. This framework of listed activities with tiers of standards is an effective and efficient framework providing targeted assessment of the relevant issues.
 - (d) In addition, the proposed subdivision provision have failed to provide for minor forms of subdivision, including boundary adjustment have been also removed from the subdivision chapter and this creates further uncertainty over proposal with typically very little to no adverse effects on the environment.
16. For these reasons, Jacks Point seeks to have the provisions of the subdivision chapter withdrawn and replaced with the operative plan provisions from Chapter 15.
17. Alternatively, Jacks Point seeks to modify the rules contained within Chapter 27 Subdivision and Development of the PDP to modify Rule 27.4.1 in the manner described within Section C, so that the status of subdivision which complies with the relevant standards is a controlled activity, rather than discretionary (unrestricted).
18. Controlled activity status for subdivision together with appropriate standards relating to lot sizes and servicing infrastructure is considered this the most appropriate method to implement the objectives of the PDP having regard to their effectiveness and efficiency.

Structure Plan changes

19. Two minor changes are proposed to the Structure Plan. These changes are to modify the boundaries of Activity Area R(JP)-2A and V(JP). For the Village, the boundary of the Activity Area has been modified to better line up with land tenure and for Activity Area R(JP)-2A the boundary of this pod has been amended to better relate to the adjoining R(HD)-E Activity Area.

Further and Consequential Relief

20. Jacks Point seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i>italic strike-through</i>]
Chapter 27 Subdivision		
Rule 27.4.2 a The following shall be non-complying activities	<p>Support in part</p> <p>Jacks Point generally supports Rule 27.4.2 a, where it exempts Jacks Point from the default position of non-complying activity status. An addition is sought to insert restricted discretionary activities to more correctly reflect the status of the location specific rules 27.8.9.1 and 27.8.9.2 which trigger discretionary and restricted discretionary activates status respectively.</p>	<p>Amend Rule 27.4.2,as follows:</p> <p><i>The following shall be non-complying activities:</i></p> <p><i>a Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a <u>restricted discretionary or discretionary activity</u>.</i></p> <ul style="list-style-type: none"> • <i>Jacks Point Zone</i>
Rule 27.4.1 All subdivision activities are discretionary activities, except other stated	<p>Oppose</p> <p>Rule 27.4.1 is opposed for the general reasons expressed above. Changes are sought to this rule to ensure subdivision that complies with the relevant standards remains as a controlled activity.</p>	<p>Amend Rule 27.4.1, as follows:</p> <p><i>All subdivision activities are discretionary <u>controlled</u> activities, except <u>as otherwise stated</u>:</i></p> <p><i><u>Council's control is limited to:</u></i></p> <ul style="list-style-type: none"> • <i><u>Lot sizes, averages and dimensions</u></i> • <i><u>Subdivision design</u></i> • <i><u>Property access</u></i> • <i><u>Esplanade provision</u></i> • <i><u>Natural hazards</u></i> • <i><u>Fire fighting water supply</u></i> • <i><u>Water supply</u></i> • <i><u>Stormwater disposal</u></i> • <i><u>Sewage treatment and disposal</u></i> • <i><u>Energy supply and telecommunications</u></i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]															
		<ul style="list-style-type: none"> • <u><i>Open space and recreation</i></u> • <u><i>Easements</i></u> • <u><i>The nature, scale and adequacy of environmental protection measures associated with earthworks</i></u> 															
New Rule 27.5.5 Boundary Adjustments	A new rule is sought to be inserted to enable boundary adjustments to be undertaken as a controlled activity. Boundary adjustments within the Jacks Point Zone is an effective and efficient way to retain a separate rule to enable this form of subdivision.	<p>Insert new Rule 27.5.5 Boundary adjustments, as follows:</p> <p><u><i>Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</i></u></p> <p><u><i>(i) the building platform is retained.</i></u></p> <p><u><i>(ii) no additional separately saleable lots are created.</i></u></p> <p><u><i>(iii) the areas of the resultant lots comply with the minimum lot size requirement for the zone.</i></u></p>															
Rule 27.5.1 Lot Size table	<p>Support in Part</p> <p>Jacks Point generally supports Rule 27.5.1 and the Lot Size table as it relates to the Jacks Point Zone. A minor correction is sought to clarify that it is “all other activity areas” which are required to comply with the average density requirements set out in Rule 41.5.8.</p>	<p>Amend Rule 27.5.1 Lot Size Table for the Jacks Point Zone, as follows:</p> <table border="1" data-bbox="1319 1027 2170 1399"> <thead> <tr> <th data-bbox="1319 1027 1469 1090">Zone</th> <th data-bbox="1469 1027 1809 1090"></th> <th data-bbox="1809 1027 2170 1090">Minimum Lot Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1319 1090 1469 1399">Jacks Point</td> <td data-bbox="1469 1090 1809 1145"><i>Residential Activity Areas</i></td> <td data-bbox="1809 1090 2170 1145"><i>380m²</i></td> </tr> <tr> <td data-bbox="1319 1145 1469 1399"></td> <td data-bbox="1469 1145 1809 1249"><i>FP-1 Activity Area</i></td> <td data-bbox="1809 1145 2170 1249"><i>4000m²</i></td> </tr> <tr> <td data-bbox="1319 1249 1469 1399"></td> <td data-bbox="1469 1249 1809 1305"><i>Average 2ha</i></td> <td data-bbox="1809 1249 2170 1305"></td> </tr> <tr> <td data-bbox="1319 1305 1469 1399"></td> <td data-bbox="1469 1305 1809 1399"><i>FP-2 Activity Area</i></td> <td data-bbox="1809 1305 2170 1399"><i>2 hectares</i></td> </tr> </tbody> </table>	Zone		Minimum Lot Area	Jacks Point	<i>Residential Activity Areas</i>	<i>380m²</i>		<i>FP-1 Activity Area</i>	<i>4000m²</i>		<i>Average 2ha</i>			<i>FP-2 Activity Area</i>	<i>2 hectares</i>
Zone		Minimum Lot Area															
Jacks Point	<i>Residential Activity Areas</i>	<i>380m²</i>															
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	<i>FP-2 Activity Area</i>	<i>2 hectares</i>															

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i></i>]			
				<u>All other Activity Areas</u>	Average 40ha Subdivision shall comply with the average density requirements set out in Rule 41.5.8.
27.7 Location Specific objectives, policies and provisions 27.7.14 Jacks Point	Support in Part Jacks Point generally supports the location specific provisions identified within and following from Objective 27.7.14. However, to assist in understanding the structure of the provisions and the matters of discretion of subdivision, a heading should be inserted after Policy 27.7.14.1 stating “Matters of Discretion for subdivision within the Jacks Point Zone”.	1. Insert a heading below Policy 27.7.14.1, as follows: <u>27.14.2 Matters of discretion for subdivision within the Jacks Point Zone</u> 2. Renumber subsequent rules and provisions; and			
Rule 27.7.14.3 R(HD) Activity Areas, matters of discretion	Support in Part Rule 27.7.14.3 is generally supported, however Jacks Point requests it be amended to refer to provision 27.7.14.2 stated within the parenthesis on the first line. Provisions 27.7.14.2 are the general matters of discretion for subdivision within the Jacks Point Zone.	Amend Rule 27.7.14.3, as follows: <i>In addition to above (provisions 27.7.14.12) within the R(HD) Activity Areas</i>			
Rule 27.8.9.2 Jacks Point Zone Conservation Lots	Support in Part Jacks Point supports Rule 27.8.9.2 as it provides for conservation lot subdivision within Activity Area FP-1. Two minor corrections are sought to clarify restricted	Amend Rule 27.8.9.2, as follows: <i>Jacks Point Zone Conservation Lots - Subdivision failing to comply with <u>this rule</u> shall be a restricted discretionary activity.</i>			

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>discretionary activity status as being triggered in relation to “this” rule. A further amendment is also sought to delete “all of the following” from the restrictions on discretion. Jacks Point considers that the additional text could act to potentially undermine the value in restricting discretion.</p>	<p>...</p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> • <i>The visibility of future development from State Highway 6 and Lake Wakatipu.</i> • <i>Traffic, access.</i> • <i>Maintenance or enhancement of nature conservation values.</i> • <i>Creation of open space and infrastructure.</i>

Chapter 36 Noise

Rule 36.5.3 (Table 2)	Support in Part	Amend Rule 36.5.3																			
	<p>The proposed noise provisions for Jacks Point apply a single standard across all activities areas. It is submitted that within areas such as the Jacks Point Village, the nature of the visitor accommodation, restaurants and cafes could be unduly restricted by a night time standard of 8:00pm.</p> <p>Sound within the Village and EIC Activity Areas are sought to be subject of separate assessment and standards, reflecting the nature of the anticipated environment. An amendment is sought to exempt sound from within the these two activity areas with the creation of a new and more appropriate standard for the commercial</p>	<table border="1" data-bbox="1258 887 2168 1193"> <thead> <tr> <th rowspan="2">Table 2</th> <th colspan="4">General Standards</th> <th rowspan="2">Non-compliance Status</th> </tr> <tr> <th>Activity or sound source</th> <th>Assessment location</th> <th>Time</th> <th>Noise Limits</th> </tr> </thead> <tbody> <tr> <td rowspan="2">36.5.3</td> <td rowspan="2">... Jacks Point Resort Zone, <u><i>except within the Jacks Point Village and EIC Activity Areas</i></u> (see also 36.5.17)</td> <td rowspan="2">At any point within the Residencies/ Residential Activity Areas</td> <td>0800h to 2000h</td> <td>50 dB L <small>Aeq(15 min)</small></td> <td>NC</td> </tr> <tr> <td>2000h to 0800h</td> <td>40 dB L <small>Aeq(15 min)</small> 75 dB L <small>AFmax</small></td> <td>NC</td> </tr> </tbody> </table>	Table 2	General Standards				Non-compliance Status	Activity or sound source	Assessment location	Time	Noise Limits	36.5.3	... Jacks Point Resort Zone, <u><i>except within the Jacks Point Village and EIC Activity Areas</i></u> (see also 36.5.17)	At any point within the Residencies/ Residential Activity Areas	0800h to 2000h	50 dB L <small>Aeq(15 min)</small>	NC	2000h to 0800h	40 dB L <small>Aeq(15 min)</small> 75 dB L <small>AFmax</small>	NC
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	overlay is subject to the addition of a further rule (outlined below).																							
New Rule 36.5.3.1	A new standard for sound is sought to be created to recognise and provide for commercial and other entertainment activities located within the Village and EIC Activity areas.	<p>Insert a new Rule 36.5.3.1, as follows:</p> <table border="1" data-bbox="1258 491 2172 933"> <thead> <tr> <th data-bbox="1258 491 1370 630" rowspan="2">Table 2</th> <th colspan="4" data-bbox="1370 491 2020 523">General Standards</th> <th data-bbox="2020 491 2172 630" rowspan="2">Non-compliance Status</th> </tr> <tr> <th data-bbox="1370 523 1617 630">Activity or sound source</th> <th data-bbox="1617 523 1787 630">Assessment location</th> <th data-bbox="1787 523 1904 630">Time</th> <th data-bbox="1904 523 2020 630">Noise Limits</th> </tr> </thead> <tbody> <tr> <td data-bbox="1258 630 1370 694"><u>36.5.3.1</u></td> <td data-bbox="1370 630 1617 694"><u>Jacks Point Village and EIC Activity Areas of the Jacks Point Zone</u></td> <td data-bbox="1617 630 1787 694"><u>At any point within the Residencies/ Residential Activity Areas</u></td> <td data-bbox="1787 630 1904 694"><u>0800h to 2200h</u></td> <td data-bbox="1904 630 2020 694"><u>50 dB L</u> <small>Aeq(15 min)</small></td> <td data-bbox="2020 630 2172 694"><u>RD</u></td> </tr> <tr> <td data-bbox="1258 694 1370 933"></td> <td data-bbox="1370 694 1617 933"></td> <td data-bbox="1617 694 1787 933"></td> <td data-bbox="1787 694 1904 933"><u>2200h to 0800h</u></td> <td data-bbox="1904 694 2020 933"><u>40 dB L</u> <small>Aeq(15 min)</small> <u>75 dB L</u> <small>AFmax</small></td> <td data-bbox="2020 694 2172 933"><u>RD</u> <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u></td> </tr> </tbody> </table>	Table 2	General Standards				Non-compliance Status	Activity or sound source	Assessment location	Time	Noise Limits	<u>36.5.3.1</u>	<u>Jacks Point Village and EIC Activity Areas of the Jacks Point Zone</u>	<u>At any point within the Residencies/ Residential Activity Areas</u>	<u>0800h to 2200h</u>	<u>50 dB L</u> <small>Aeq(15 min)</small>	<u>RD</u>				<u>2200h to 0800h</u>	<u>40 dB L</u> <small>Aeq(15 min)</small> <u>75 dB L</u> <small>AFmax</small>	<u>RD</u> <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u>
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Chapter 41 Jacks Point Zone																								
All rules listed matters of restricted discretion.	<p>Support in Part</p> <p>Jacks Point generally supports restricted discretionary activity status throughout Chapter 41. However, it seeks to amend the introductory text used to frame the restriction of discretion where it includes the text “<i>all of the following</i>”. Jacks Point considers this could be interpreted to widen discretion and undermining the value in have a clear</p>	Amend all rules where matters of discretion are listed to delete the phrase “to all of the following”, from the statement “Discretion is restricted to”.																						

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	statement of matters to which discretion is reserved. For this reasons it seeks to have this text removed.	
Rule 41.4.9 Structure Plan Activities	<p>Support in Part</p> <p>Jacks Point seeks to include within the E Activity Area the provision of Health Care activities and amendments to Rule 41.4.9.4 are sought to clarify this.</p>	<p>Amend Rule 41.4.9.4 Structure Plan – Activities, as follows:</p> <p><i>Education <u>and Health Care Precinct (EH)</u> - the use of this area is restricted to Education, Health Care and Day Care Facilities.</i></p>
Rule 41.5.4.1 Volume of Earthworks	<p>Support in Part</p> <p>Further earthworks are proposed within the Village Activity Area to expand and change the shape of Lake Tewa and the proposed maximum of 500 m³ is unrealistic for this work.</p>	<p>Amend Rule 41.5.4.1 Volume of Earthworks, to shift the Village Activity Area out of the 500 m³ band to “no maximum”.</p>
Rule 41.5.4.5 Water bodies	<p>Support in Part</p> <p>Exemptions are sought to these rules to enable further changes to the shape of Lake Tewa. Lake Tewa is entirely man made and lake and such changes do not impact on the natural character of any natural lake, river or other water body.</p>	<p>Amend Rule 41.5.4.5 Water bodies, as follows:</p> <p><i>a. Earthworks within 7m of the bed of any water body shall not exceed 20m³ in total volume, <u>except any man made water body (e.g. Lake Tewa),</u> within one consecutive 12 month period.</i></p> <p><i>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, <u>except any man made water body (e.g. Lake Tewa)</u> or where it may dam, divert or contaminate water.</i></p> <p><i>c. Earthworks shall not:</i></p> <ul style="list-style-type: none"> <i>• cause artificial drainage of any groundwater aquifer;</i> <i>• cause temporary ponding of any surface water.</i>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
<p>Rule 41.5.6 Access to the State Highway</p>	<p>Support in Part</p> <p>Jacks Point generally supports Rule 41.5.6 relating to access onto State Highway 6 as being appropriate for the sustainable management of the road network and to provide secondary access to the Jacks Point Zone. Jacks Point proposes a number of changes to this rule to reflect the latest position agreed to with the NZTA as part of PC445, in particular to provide clarification around the use of Traffic Management plans to manage construction traffic and the timing of when the new Woolshed road intersection is required. These changes are considered to positively support and clarify the existing rule. Advisory notes are also proposed to assist in the interpretation of these particular rules because of the nature of the external process (i.e. non-RMA) to approve the intersection design and to also manage construction traffic.</p>	<p>Amend Rules 41.5.6.1 and 41.5.6.2, as follows:</p> <p>41.5.6.1 <i>Access from State Highway 6 shall be only at the intersections at Maori Jack Road and Woolshed Road, as shown on the Structure Plan.</i></p> <p>41.5.6.2 <u><i>The Woolshed Road access shall not be used until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below)</i></u></p> <p>41.5.6.3 <u><i>No more than 500300 residential units/titles or 2,400 vehicle movements per day (weekly average), whichever is the lesser, may not be exceeded may be built within the EIC, R(HD) and R(SH-HD) Activity Areas without until the Woolshed Road intersection upgrade is being completed and available for use.</i></u></p> <p><i>Discretion is restricted to the safe and efficient functioning of the road network.</i></p> <p><u><i>Advisory Notes:</i></u></p> <p>i. <u><i>A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone</i></u></p> <p>ii. <u><i>The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
		<u><i>permanently and physically closed when that intersection upgrade is completed.</i></u>
41.5.12 Building Height	<p>Support in Part</p> <p>Changes are sought to enable building height within the Jacks Point Village Activity up to 12m. An additional 2m of height would be sufficient to enable four level buildings within the village. This increase is proposed within the central part of the zone with least visual impact from beyond the zone and will make an efficient use of the available land resource.</p>	<p>Amend Rule 41.5.12.2 Building Height, as follows:</p> <p><i>The maximum height of buildings shall be:</i></p> <ul style="list-style-type: none"> a. <u><i>Jacks Point Village Activity Area 12 m</i></u> b. <u><i>All other Village (V) Activity Areas 10m</i></u> c. ...
41.5.19 Wetlands	<p>Support in Part</p> <p>This rule is inconsistent with the Structure Plan Rule 41.4.9.9 where some limited development is anticipated to provide for the construction of board walks around the main wetland located within the Hanley Downs area, and also to undertake ecological enhancement, which may include landscape planting. Because the positive nature of these changes it is considered there will be no adverse effects from amending the rule to reflect these outcomes.</p>	<p>Amend Rule 41.5.19 Wetlands, as follows:</p> <p><u><i>There shall be no development, landscaping and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, to undertake ecological enhancement, including the removal of plant pests.</i></u></p>
41.6 Non Notification of Applications	<p>Support in Part</p> <p>Jacks Point generally supports the inclusion of a non-notification clause within the zone as a means of providing certainty around the resource consent process. However, Jacks Point considers that provisions 41.6.2 does is</p>	<p>Amend Provision 41.6.2, as follows:</p> <p><i>Any application for resource consent for the following restricted discretionary activities shall be considered without public notification</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>internally inconsistent in dealing with affected persons. The clause provides for service to persons considered to be adversely affected, implying that would be a judgment to be made by the Council. Jacks Point supports that approach and considers the use of “shall” in relation to service to persons conflicts with the discretion being conferred later in the clause. On this basis, Jacks Points seeks to replace the “shall” with “may” to clarify the intended function of the provision.</p>	<p><i>but notice shall <u>may</u> be served on those persons considered to be adversely affected if the written approval has not been obtained</i></p>
41.7 Structure Plan	<p>Support in Part</p> <p>Jacks Point generally supports the structure plan contained within provision 4.7 as the most appropriate means to provide for the spatial layout of development across the Jacks Point Zone. For the general reasons expressed in this submission, Jacks Point seeks to replace the Structure Plan with a revised version that incorporates particular changes to the boundaries of Neighbourhood 2a and the Jacks Point Village.</p>	<p>Replace 41.7 Structure Plan with the revised Structure Plan contained within Appendix 1 to this submission.</p>

APPENDIX 1
Proposed Jacks Point Zone structure Plan

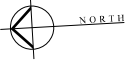
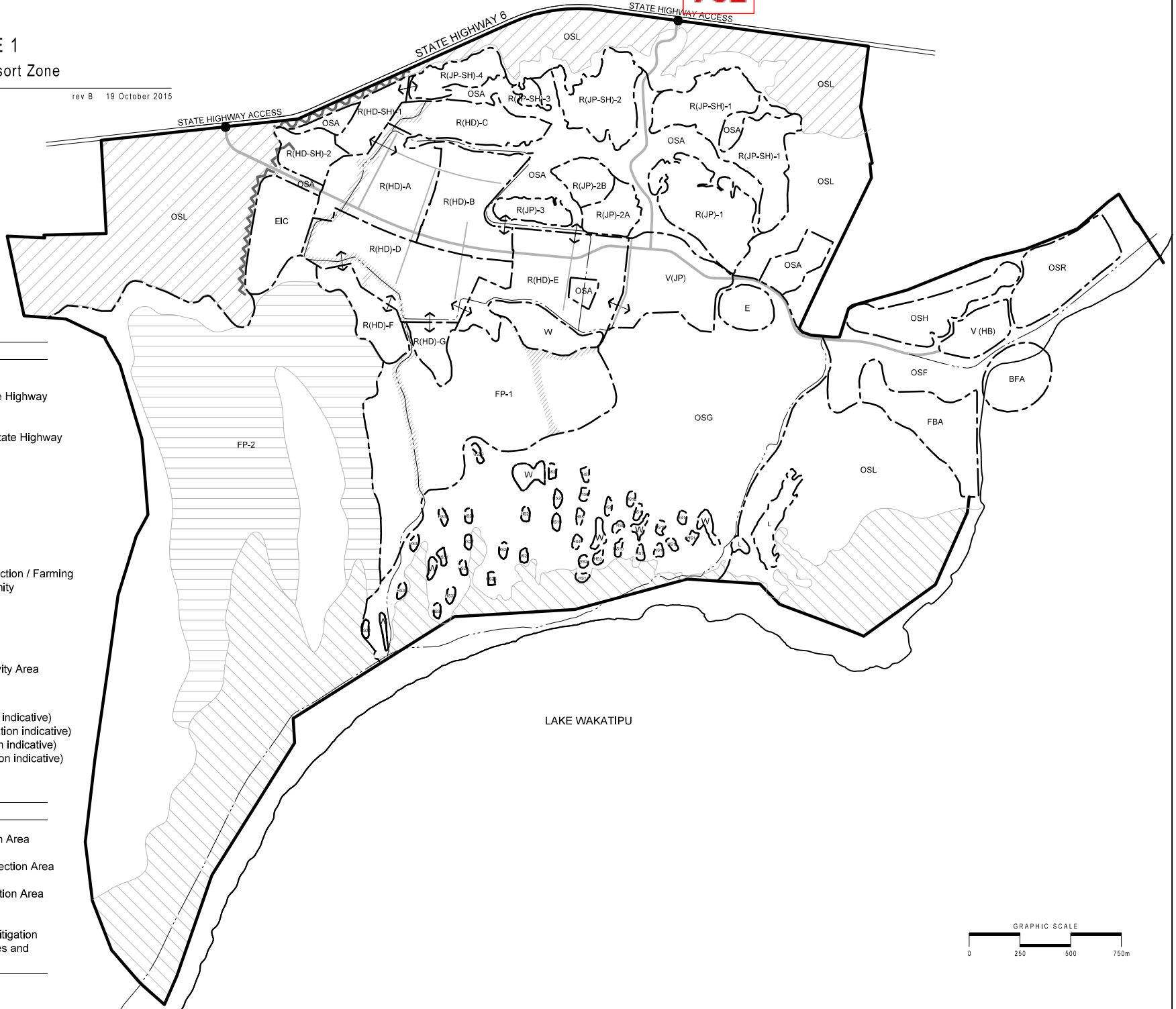


FIGURE 1
Jacks Point Resort Zone

scale 1:25,000 (A4), 1:12,500 (A2) rev B 19 October 2015



KEY

- R(JP) Residential Jacks Point
- R(JP-SH) Residential Jacks Point - State Highway
- V(JP) Village Jacks Point
- R(HD) Residential Hanley Downs
- R(HD-SH) Residential Hanley Downs - State Highway

- EIC Education Innovation Campus
- E Education
- L Lodge
- HS Preserve Homesites
- FP Farm / Preserve

- W Wetland
- OSG Open Space Golf
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity

- V(HB) Village Homestead Bay
- OSH Open Space Horticulture
- OSR Open Space Residential
- OSF Open Space Foreshore
- FBA Farm Buildings and Craft Activity Area
- BFA Boating Facilities Area

- Activity Area
- - - Public Access Route (location indicative)
- Secondary Road Access (location indicative)
- Primary Road Access (location indicative)
- ↔ Key Road Connections (location indicative)

Open Space

OVERLAYS

- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Lake Shore Landscape Protection Area
- State Highway Mitigation
- Flood Bank / State Highway Mitigation
- Tablelands (includes Homesites and Wetlands within shaded area)



**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited ("Jacks Point") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

Jacks Point confirms its submission does not relate to trade competition or the effects of trade competition.

Jacks Point would like to be heard in support of its submission.

If other persons make a similar submission then Jacks Point would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

For and behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

24th day of November 2015

OUTLINE OF SUBMISSION

Background

1. Jacks Point lodged a primary submission to the PDP, dated 23 October 2015 addressing various matters relating to the subdivision, use and development of the land within the Jacks Point Zone.
2. Following lodgement of this submission, Jacks Point has reviewed the operation of Rule 41.5.8 Density, which it seeks to have corrected through this late submission. The original (23 October 2015) submission did not submit seeking changes to this rule.
3. The relief sought through this submission affects only the Jacks Point area of the Jacks Point Zone.

Relief sought

4. The specific changes sought to the PDP provisions are detailed below.
 - (a) Amend Rule 41.5.8 Density, as follows:

41.5.8.1 *The average density of residential units within each of the Residential Activity Areas shall be as follows:*

<i>R(JP) – 1</i>	13–18 <u>13.08 – 18.67</u> per Ha
<i>R(JP) – 2A</i>	13–33 <u>13.62 – 33.33</u> per Ha
<i>R(JP) – 2B</i>	14–15 <u>14.04 – 14.85</u> per Ha
<i>R(JP) – 3</i>	14 <u>14.18</u> per Ha
<i>R(JP-SH) – 1</i>	10 <u>9.64</u> per Ha
<i>R(JP-SH) – 2</i>	9 <u>8.85</u> per Ha
<i>R(JP-SH) – 3</i>	5 <u>4.62</u> per Ha
<i>R(JP-SH) – 4</i>	5–12 <u>4.85 – 26.61</u> per Ha
<i>R(HD-SH) – 1</i>	12 – 22 per Ha
<i>R(HD-SH) – 2</i>	2 – 10 per Ha
<i>R(HD) - A</i>	17 – 26 per Ha
<i>R(HD) – B</i>	17 – 26 per Ha
<i>R(HD) - C</i>	15 – 22 per Ha
<i>R(HD) - D</i>	17 – 26 per Ha
<i>R(HD) - E</i>	25 – 45 per Ha
<i>R(HD) - F</i>	2 – 10 per Ha
<i>R(HD) – G</i>	2 – 10 per Ha

Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. Within the Residential Areas of Henley Downs, if part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area.

Reasons for and matters raised in the submission

5. The background to the creation of the density rule is from the broader move away from the use of the Outline Development Plan to a more specific suite of rules to control the use of land in a more effective and efficient way.
6. The principles used to formulate the density figures in Rule 41.5.8 were:
 - (a) To reflect the density of development already approved within the existing Jacks Point Residential Areas through the current version of the Density Master Plan (part of the ODP), with the exception of the following:
 - (i) Any adjustments needed to density arising from areas of land proposed for the expansion of an existing residential activity area; and
 - (ii) The deliberate increase in densities proposed for the current undeveloped neighbourhoods of R(JP) – 2A and R(JP-SH) – 4.
 - (b) Express density on the basis of net areas of land available for development, as opposed to the operative District Plan’s use of gross density across all Residential Activity Areas (10 – 12 hectares).
7. In the process of converting the gross density figures from the operative Density Master Plan, three calculation errors occurred that require remedying:
 - a. The notified version of the Density Rule rounded the average density to the nearest whole number. This has resulted in more and less development than anticipated for with all of the Jacks Point Residential Activity Areas. To correct this, it is proposed to specify density to the nearest two decimal places.
 - b. Within Neighbourhood 7 (R(JP-SH) – 4) density was incorrectly calculated on the basis of the entire (gross) area of land within this pod which would provide for a much lower density of development than intended (12.13 units/ha). Calculating density on the basis of the net area of land, excluding roads and reserves, the maximum density would be 26.61 units per hectare. This change will bring the density in line with the current approved version of the Density Master Plan.
 - c. In capturing the capacity for development within the existing residential activity areas, any “Comprehensive” (multiple unit development) sites that contained one existing unit were counted as only one unit. This is also incorrect as Comprehensive development under the operative ODP provided for two residential units and the figures have been updated to reflect this. This has resulted in changes to the upper density range for R(JP) – 1.

Further and Consequential Relief

8. Jacks Point seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.