

Changes to PC44 from Notification

This document summarises the main changes to PC44 since notification. These changes have been made following work between the planners for RCL (Dan Wells) and the Henley Downs entities (Chris Ferguson) to address issues raised in submissions (including those made by the Henley Downs entities) and to address jurisdictional issues.

Attached to this summary is further documentation to illustrate the detailed changes, including a plan illustrating the changes between the current structure plan against the notified version (**Attachment 1**) and a schedule of development yields and activity areas (**Attachment 2**).

Dan Wells and Chris Ferguson are available to discuss and provide further information on the changes as they apply to their respective clients' land.

1. Spatial Planning

1.1 Re-integration into the Resort Zone

The proposal is to integrate the notified Henley Downs Zone, including its related objectives, policies, rules and structure plan, into the Resort Zone. This integration involves changes to the Hanley Down's area Structure Plan, insertion of new policies for Hanley Downs and provisions that support the range of activity areas and outcomes proposed for this area.

The changes within the structure plan (outlined in more detail below) provide for an integrated road network, open space connections and activity area boundaries related to natural and physical features, rather than cadastral boundaries as had been the case in the notified version of PC44.

The labelling of individual activity areas has changed from the previous "DP-A to K" used in the notified version. The "R (HD)" descriptor is now used (meaning Residential Hanley Downs) with labels of A – G to refer to sub areas of that Activity Area.

1.2 Structure Plan

A plan comparing the PC 44 structure plan as notified with the most recent structure plan is attached.

The outer edge of the PC 44 boundary within the revised structure plan has changed with the most material change being the addition of the Jacks Point quarry located along the southern boundary. The total area of PC 44 as notified was 541 ha (measured), with the updated structure plan being 561 ha in total area.

The structure plan incorporates more detailed elements, introduced partially as a result of removal of the Outline Development Plan and include the addition of open space corridors, primary and secondary road connections, public access routes and areas proposed for State

Highway mitigation. Corresponding rules have been introduced to help determine the level of variance from the Structure Plan which will be deemed acceptable when making resource consent applications.

Existing overlays relating to the Highway, Lake Shore and Peninsula Hill Landscape Protections Areas have been included. These mirror the same used in the operative plan.

The location of the intersection between the state highway and Woolshed road has moved slightly south to enable the intersection to square up with the state highway and not extend into the adjacent farm land on the western side of Woolshed Road.

Specific changes relating to the activity areas are as follows:

- a. The size of the Residential - Hanley Downs Activity Areas are almost exactly the same size as the former proposed Urban Activity Areas provided for within Developments Areas A – K under the notified version of PC44 (141 Ha compared to 140 Ha respectively). The configuration of that land area has changed somewhat – see the attached comparison map.
- b. Inclusion of an Education and Innovation Campus Activity Area, located on land between the northern end of the Hanley Down residential areas and farm land on the northern side of Woolshed Road. The EIC is located on the land formerly contained within the ACRAA and is 13.23 Ha in area. This area is designed to accommodate technology based activities including educational facilities, medical facilities, including training and specialist health care. Development within the former ACRAA was a discretionary activity and is proposed to be a restricted discretionary activity for the development of commercial, community and visitor accommodation activities located within the EIC.
- c. Development areas J and K (PC 44 as notified) have been removed and replaced with the Farm Preserve Activity Area 1 (FP-1). FP-1 provides for rural living opportunities and the area will act as a transition between the higher density urban areas and the tablelands. Subdivision of the land within FP-1 is subject to mechanisms for the protection and management of open space and native re-vegetation.
- d. The area of the ACRAA is proposed to be contained within the Farm Preserve 2 Activity area and Open Space Landscape Activity Areas. FP-2 occupies all of the Hanley Downs farm land located at the base of Peninsula Hill. Subdivision and development is provided for within this area at a low density (40ha lots), with dwellings located outside of the Lake Shore and Peninsula Hill Landscape Protection Areas. The Open Space Landscape Activity Area occupies the rural land alongside Woolshed Road and State Highway 6.
- e. The boundaries of the area formerly described as “DP-A” have been replaced by the R(HD-SH) 2 Activity Area. This activity area has expanded slightly west to the frontage with Woolshed Road and increased from 5.5ha to 6.3 ha in area. The R(HD-SH) 2 activity area is designed to accommodate low density rural residential lots.

- f. The boundaries of the Activity Areas - R(HD)-B etc - (or development areas as they were previously described) have been modified to better integrate with the adjoining open space areas located within Jacks Point and to better align with road connections and legal boundaries.

1.3 Outline Development Plans

The revised provisions propose to remove the requirements to prepare and implement Outline Development Plans. These changes are necessary in response to the Environment Court’s third interim decision on Plan Change 19 [2014] NZEnvC93. This decision identified jurisdictional problems with the use of “Outline Development Plans” as a planning method.

The main elements of the previously proposed Outline Development Plan have been moved into other parts of the Resort Jacks Point Zone and/or Subdivision Chapter.

The following table summarises how the matters of discretion for ODPs have now been accommodated (or removed) in the updated version of PC44 to respond to submissions:

Matter of discretion	Change proposed in May 2015 version of provisions
a. the comprehensiveness of the outline development plan; and	Removed (superfluous if ODP is no longer used)
b. Indicative subdivision design , lot configuration and allotment sizes; and	Removed – actual subdivision design considered at subdivision stage
c. The locations of building platforms in Development Areas A, H, I and K; and	Removed – These areas now fall under either the Residential-Hanley Downs Activity Area or Farm Preserve Activity Area
d. Roading pattern, proposed road and street designs; and	To be considered as part of subdivision with primary and secondary road connections now identified on the structure plan
e. the appropriateness of proposed activities and their locations, including the locations of activities that may give rise to reverse sensitivity effects, the appropriateness of those effects occurring in the proposed location and any mitigation measures proposed; and	To be considered as part of land use consents
f. The location of Medium Density Housing Precincts and Commercial and Community Precincts ; and	Lot sizes and locations where medium density housing is anticipated to be considered via subdivision. (To demonstrate compliance with the density range provisions, it is expected that sites for medium density housing will be identified at the time of subdivision.) Precincts for commercial and community activities are no longer required to be shown, with the matter assessed as part of a restricted discretionary land use resource

	consent.
g. measures to address natural hazard risks ; and	Removed – the matter can be addressed via subdivision processes (the Subdivision chapter addresses hazards and Section 106 of the Act provides the ability to refuse consent). Evidence at the hearing will also address potential risks to ensure that zoning is appropriate.
h. the location of and suitability of proposed open space areas, public transport links, pedestrian and cycle links ; and	Open space areas are now shown on the Structure Plan (with subsequent subdivision processes to determine exact extent of those spaces and any additional spaces). The subdivision chapter provides sufficient opportunity for Council to address pedestrian and cycle links (for example see 15.2.7.3 and 15.2.8.1) Public transport is expected to occur down the main spine road. An amendment to make it clear that Council can exercise control over this matter has been added to the subdivision chapter.
i. Mitigation measures to ensure development is not highly visible when viewed from State Highway 6 and Lake Wakatipu; and	Addressed as part of specific subdivision rule (see 15.2.3.2(v)). In addition, the structure plan indicates that ‘proposed state highway mitigation’ is anticipated with an area marked Highway Landscape Protection Area (which has corresponding rules controlling outcomes).
j. The proposed treatment of the interface between the urban and rural area ; and	The Structure Plan has been modified to provide for a transition from urban to rural densities. This change sets out the anticipated interface between the rural and urban area.
k. With regards to Development Area J, a biodiversity management and restoration plan for the wetland shown on the Henley Downs Structure Plan; and	Development Area J has been replaced by Activity Area FP-1. The provisions relating to FP-1 incorporate conservation benefits relating to that area, including the protection of open space and may include revegetation. A range of related assessment matters are proposed to further consider the appropriateness of measures to protect wetland and grey shrubland habitats.
l. Evidence that development can be appropriately serviced with water, stormwater, and wastewater infrastructure	This can be addressed through usual subdivision requirements. A rule has been added to the Jacks Point Zone to require connection to reticulated services.
m. Compliance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	The usual application of this NES will ensure it is applied at the time of subdivision or land use. This provision is therefore unnecessary. Further evidence with respect to this subject matter is to be provided at the hearing.

2. Objectives and Policies

The notified Hanley Downs Zone contained several objectives and policies specific to the plan change area. By incorporating the plan change back into the Jacks Point Zone existing objectives and policies are relied on with the addition of some policies specific to Hanley Downs. The objective for the Jacks Point Resort Zone is proposed to be slightly amended. Policies have been added and refined to reflect the plan change as now proposed.

3. Rules

3.1 Density

Residential density rules were previously expressed in terms of an overall maximum number of units within a given activity area (or development area as they were previously described). It is now expressed in terms of a net density range, with the average density with any given subdivision needing to fall within that range.

The overall development yield of residential units anticipated across the Hanley Downs/PC 44 area is less than was the case proposed in the Urban Activity Area in the notified version. Please refer to the attached schedule of development and activity areas promoted by PC 44 as notified against PC44 and currently proposed. This schedule breaks down total of residential units provided for in each of the activity areas, based on the average density limits contained within the provisions.

This analysis indicates a potential yield in the range of 1316 to 2228 residential units. This compares to a maximum of 2571 that was enabled under the rules of the notified version.

3.2 Non-residential activities

This includes:

- Commercial activities are to be located within 120m of the primary road through the site
- An upper limit of 500m² for all commercial activities is now proposed in the Residential – Hanley Downs Activity Area

3.3 The Education Innovation Campus

Within the EIC, commercial activities, community activities and visitor accommodation is provided for as a restricted discretionary activity.

Development within the EIC is required to implement state highway mitigation within the area identified on the structure plan. The scale of any retail activities has been restricted to retailing no greater than 200m² per tenancy.

Within the notified version of PC 44 development within this area (ACRAA) was a discretionary activity. It is proposed that commercial, community and visitor accommodation activities be a restricted discretionary activity within the EIC. Matters of discretion include state Highway mitigation, location and scale of buildings, traffic, parking, access, provision for pedestrian links and the enhancement of ecological values.

3.4 The Farm Preserve

The rules for FP-1 provide for conservation lot subdivision to occur, subject to:

- a. A minimum lot size of 4,000m² in area with an average of 2ha; and
- b. The creation and management of open space, which may include native re-vegetation. Open space may be transferred into the ownership of the body responsible for the management of open space at Jacks Point or held within private ownership and protected through restrictive covenant.

Building development cannot occur within FP-1 until the conservation benefits have been provided for under the subdivision consent process outlined above.

Within FP-2, subdivision is provided for to a minimum of 4ha with an average of 40ha in area. Residential units are a restricted discretionary activity outside of the Peninsula Hill and Lake Shore Protection Areas. The matters of discretion are focussed on effects on landscape values, including visibility of building from State Highway 6 and Lake Wakatipu.

The yield analysis indicates development of a maximum of 34 dwellings within FP-1 and 6 within FP-2. This compares with a maximum of 104 dwellings promoted within development areas J and K from the notified version of PC 44.

3.5 Changes to design controls for Medium Density Housing

The provisions which control design outcomes on smaller residential sites have been amended. The main changes include:

- Introduction of maximum site coverage rules
- Excepting smaller sites (550m² or less) from the standard rules relating to:
 - o building setbacks,
 - o front yard fence heights
 - o height recession plane rules

with control (and discretion for sites of 400m²) available to Council to introduce controls over these matters on sites at subdivisions stage

- More enabling recession plane rules for sites above 550m²
- Removal of the continuous building length rule

The provisions anticipate that subdivision that creates small lots will be subject to particular design scrutiny, including a requirement to anticipate and control future built form outcomes.

3.7 Notification rules

The notified version stated that all restricted discretionary activities shall be considered on a non-notified basis. The list now proposed is more specific as to those activities for which no notification is anticipated

3.8 State Highway Access

A standard is introduced requiring that the main road shown on the structure plan be connected for public use at least by the time 500 residential units are built.

Attachment 1

Structure Plan Comparison

Attachment 2

Development Yields and Area Analysis