



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

**SUPPLEMENTARY COMMENTS TO
S 42A REPORT FOR PLAN CHANGE 44:
Henley Downs Zone
Queenstown**

FOR HEARING COMMENCING: 1 July 2015
DATED: 3 July 2015
SUBMITTED BY: Vicki Jones
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District Council

PREPARED ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

- 1.1 I take this opportunity to wrap up where I believe things have got to and to clarify a number of points.
- 1.2 I note that the commissioners need to seriously consider whether there is **scope** in the submissions to amend the provisions in the way that is being suggested. If commissioners consider there is insufficient scope for particular provisions then I suggest they may wish to refer back to the recommended provisions attached to the 2013 S42A, which I am confident are all within scope.
- 1.3 Clearly the Structure Plan and provisions have changed since the version circulated around 9 June, which the S 42A report responded to. In my view, the Plan Change has improved considerably since that provided in early June and it now appears there is considerable **agreement** on a number of significant matters, including the fact that:
 - 1.3.1 Subdivision (which now replaces the Outline Development Plan process) is now proposed to be a restricted discretionary activity.
 - 1.3.2 The restricted discretionary activity subdivision is now listed as such in the manner recommended in the S 42A report, which is far clearer than in the 9 June version. Regardless, I prefer the wording of this rule in the S 42A version (page 15-15), which, notably, does not apply the restricted discretionary status to the FP areas and does make it clear it is a restricted discretionary activity (in response to Commissioner Cock's concern). The status of Subdivision in FP is discussed later.
 - 1.3.3 All commercial activity in the Residential areas (i.e. not only retail) is now required to be within 120 m of the primary road, thereby removing (or at the very least, reducing) the need to include additional matters of discretion re the location of non-residential uses at the subdivision stage.
 - 1.3.4 It seems that the Requestor has now agreed that open space areas will now be shown more clearly and zoned on the Structure Plan as a particular activity area - the advantage of this is that rules can attach to it limiting its subdivision and development and limiting its use to certain purposes
 - 1.3.5 The mitigation planting will occur comprehensively and prior to the development within those most visible areas.
 - 1.3.6 The policies proposed by Mr Wells and Mr Fergusson are now more detailed but I still prefer those suggested in the S42 A report as I feel that they provide stronger direction and a greater ability to decline inappropriate proposals. In many instances, the proposed policies still do not do this. I stress how important this is given the wide discretion provided by the rules and the lack of any assessment matters and the intention to not have guidelines (as required in the operative provisions and the Jacks Point Stakeholders Deed 2003).
 - 1.3.7 Density is now a zone standard
 - 1.3.8 There is a reasonable level of agreement around the State Highway intersection rules albeit they still need some fine-tuning.
 - 1.3.9 Mr Well's suggestion that any building prior to subdivision is discretionary is probably appropriate and overcomes concerns over the lack of any over-arching layout should the developer chose to

build prior to subdivision. Another way of doing this would be to make building prior to subdivision a restricted discretionary activity subject to a Spatial Layout Plan. The matters would essentially be a duplication of the restricted discretionary activity subdivision matters.

1.3.10 While I reserve my position on the new proposed zoning of the ACRAA until I hear what Dr Read has to say, my initial view at the time of writing in relation to area covered by FP-1 is as follows:

1.3.10.1.1 The Area should be not extend beyond Area J/K (2013) and G (2015) - this is an error in the S 42A report Structure Plan (pg. 12-28) and that only 14 platforms are enabled in J/K and 8 in Area G

1.3.10.2 Whether it is called RL or FP-1 is somewhat academic, but importantly the policies and rules need to

1.3.10.2.1 Require building platforms of no more than 1000m² within which all buildings must be located

1.3.10.2.2 The size of building platforms is strictly limited (e.g. to 1000m²)

1.3.10.2.3 Farm buildings need to be well controlled as per the Rural General Zone

1.3.10.3 FP-2 now takes on board the suggestion made in the S 42A report (and as far back as 2013) to show homesites as a potentially efficient method and potentially equally effective as the Rural General zone. That said, I concur with Dr Read's concerns over the potential lack of any guidelines. As re-drafted and subject to further refinement, the FP-2 area framework may be as effective as Rural General, provided the strong policy proposed is retained and provided the following matters are amended/addressed:

1.3.10.3.1 Provide firm clarity over the density and building height within the homesites, the access, and lighting. Access following the gullies/ existing farm tracks should be a rule rather than simply an addition to the matter of discretion, in my view.

1.3.10.3.2 Subdivision/ creation of any lot without a building platform or homesite is non-complying.

1.3.10.3.3 Subdivision with building platforms full discretionary.

1.3.10.3.4 Design guidelines for the homesites should be applied.

1.3.10.3.5 Farm buildings to be dealt with as per the Rural General Zone in its entirety.

1.4 The **areas of disagreement** that still remain (other than issues such as the level of detail that is necessary in the policies, etc.), as I see it, relate to:

1.4.1 Whether the zone should include the geographic extensions sought (I do not consider that it should)

1.4.2 Whether the *location* of medium density activity/ uses needs to be a matter of discretion at the time of subdivision and a policy added regarding this

- 1.4.3 Whether the *diversity* of lot sizes and density should be a matter of discretion at the time of subdivision. In my view, density and diversity should be added as matters of discretion (refer page 15-15(ix)(f))
- 1.4.4 I am not convinced the EIC is a good idea. You will appreciate that I've not had a lot of time to consider it but I can confirm that I do have concerns regarding the difficulty in ensuring the scale and type of commercial and retail that occurs there will not affect the vibrancy and success of other retail, commercial, and employment centres. I still hold the view that there is some real merit in having such activity/ employment land (however unclear that is at this stage) adjacent to the Jacks Point village rather than at the edge of the zone.
- 1.4.5 The matters raised above with regard to FP-1 and FP-2 subject to what further advice/ opinion Dr Read provides at the hearing. There is likely to also still be some disagreement with regard to SH (HD)-2 and the density therein and potentially also in relation to Area G.
- 1.4.6 Mechanisms to restore and create positive effects relating to the wetland and whether a concept plan for this and the remainder of the public domain is required to be submitted with the subdivision of this area (as per the intent of the Deed outlined below).
- 1.4.7 Although I understand why they have done it I do not understand the rationale for (or therefore comment on) the rule in Mr Fergusson's evidence on Pg. 12-25 of his provisions that enables only commercial activity only greater than 200m² in the EIC.
- 1.4.8 I share the commissioner's concerns regarding rules/ direction regarding the visual effects of carparking associated with the EIC along Woolshed Rd and consider this is something that needs to be better captured.
- 1.4.9 Whether urban open spaces are zoned, noting that if not zoned there are no rules attaching to them (e.g. in my view it should be non complying to subdivide or build within these spaces, other than for recreational (etc.) purposes and discretion should be retained at the time of subdivision over the design, size, etc., as well as location and suitability) of open spaces; assessment matters re the landscaping of such open spaces. That said, I note a new rule that there shall be no building on the open space has been added to the Structure Plan rule of the requestor's version (Pg. 12-14). This is positive but is, in my view, in the wrong place and hence ambiguous.
- 1.4.10 I remain of the view that there should be a description of the R(HD) area in Rule 12.2.5.1 as is the case for all other areas in the Jacks Point Zone. While I agree in principle with Mr Wells that it may be somewhat superseded by the rules that follow it is highly inconsistent with the approach taken in the rest of the Jacks Point Zone and without the rule an activity that is completely unanticipated in the residential area is not in fact, 'contrary' to the Structure Plan.
- 1.5 The areas I have **changed or moderated my opinion** on include:
 - 1.5.1 The inclusion of the stormwater related assessment matters requested by the ORC and defer to legal advice on this matter (page 68 of the S 42A report)
 - 1.5.2 A minor matter but the S 42A provisions suggest a policy which refers to the inclusion of apartments; given the maximum height of 8 m (or 10 m as per the requestor's proposition and noting they no longer seek 15 m

in the EIC) and the comments of Mr Whiteman this is an unlikely typology in this location and therefore should be removed from the policy, should the policy be accepted conceptually.

- 1.6 The following **matters of clarification or interest** are raised simply to assist the commissioners:
- 1.6.1 Resort zone assessment matters do exist in the operative plan; it is simply that they are located in the rural visitor zone section of the District Plan; so you can include some if you wish.
 - 1.6.2 The Stakeholders Deed, to which Henley Downs and its successors are parties, requires an affordable housing contribution. Council is a party to this and I suggest it should ensure this Deed is enforced. On this matter, I also note that by ensuring/ encouraging diversity and appropriately located density (as I have recommended, rather than leaving it entirely up to the market) would better result in 'affordability by design'.
 - 1.6.3 Should the Council wish, I can discuss with them in more detail the vires issue relating to the use of Outline Development Plans and the various responses to it in Frankton Flats and Northlake and, hence the options available to them in this plan change, I can assist with this. On this topic, I am a little concerned at the complexity of including both the restricted discretionary activity subdivision and the Spatial Layout Plan approach within this one plan change, as is now being suggested and am not sure it is efficient although I am comfortable that both will be relatively effective.
 - 1.6.4 In response to commissioners questions, regarding how well the Hanley Downs and Jacks Point interface, I note that I support the spaces shown to the east of Area C on the Structure Plan now proposed by the Requestor and draw your attention to the suggested P3.17(c) on page 12-7 of the S 42A provisions and I suggest more around consistent landscaping at the edge of the R (HD) areas may be necessary.
 - 1.6.5 No new objectives are proposed but time and again through the evidence, the purpose has been stated as being more efficient use of the land so I question whether this should be an objective of Henley Downs.
 - 1.6.6 I agree that the visual effects of carparking associated with the EIC; particularly as visible from Woolshed road needs to be carefully considered and I would prefer certain and clear rules to achieve this, rather than open-ended discretion.
 - 1.6.7 Mr Schrantz's submission regarding the allowance of visitor accommodation and I concur that this allowance in FP-1 and FP-1 in terms of the likely scale of such facilities and effects on supporting the village through visitor accommodation etc., I share his concerns. It was something I hadn't initially considered.
- 1.7 I have always been and continue to be interested in how this plan change correlates with the **Jacks Point Stakeholders Deed** (which is attached to variation 16, which forms an attachment of the S 32 material for this plan change) and the additional level of control that Deed offers, especially where the plan change may be contrary to it. That plan change binds the parties (which includes successors), including the Council, to various obligations, including:

- 1.7.1 That the parties make a 5% contribution to community housing (para 20)
 - 1.7.2 Compliance with development controls (including the 5% coverage, soft infrastructure, building controls, etc.)
 - 1.7.3 That no resource consent shall be applied for without design guidelines for that land
 - 1.7.4 That a concept plan shall be prepared for the public domain, which includes the wetland on the Hanley Downs land (see map on page 12 of the S 42A report) be prepared at the Outline Development Plan stage.
- 1.8 In **conclusion**, the above provides a brief summary of where I see the areas of agreement and minor areas of disagreement. I would certainly value the opportunity to be involved in expert caucusing via an interim decision, in order to assist the commission in ensuring quality provisions are produced.