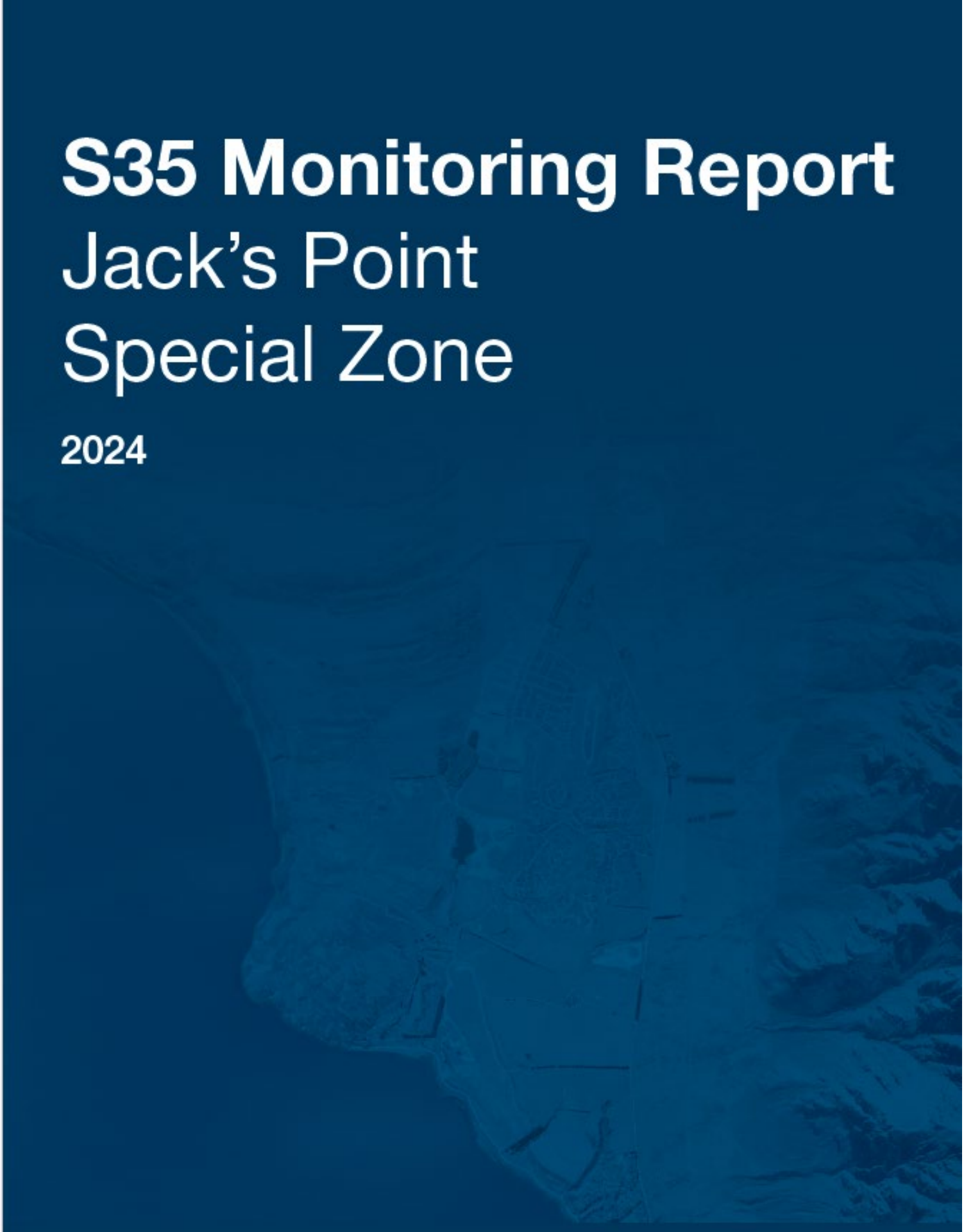
S35 Monitoring Report
Jack's Point Special Zone

2024



Planning Policy
Queenstown Lakes District Council
November 2024

QUEENSTOWN LAKES DISTRICT COUNCIL

Contents

Executive Summary

This report assesses the efficiency and effectiveness of the objectives, policies and rules of the Jacks Point Special Zone in the Queenstown Lakes Operative District Plan (ODP) in accordance with s35(b) of the Resource Management Act 1991 (RMA). The findings of this report are intended to inform future amendments to the Jacks Point Special Zone provisions as part of the review of the special zones of the ODP. The findings of this report are based on available building consent and resource consents that have been lodged within the Zone to date.

The JPZ has been in a semi-constant state of change from a policy planning perspective since the early 2000s. Over this time the area has become more dense and more populated as the zoning intentions have become increasingly focussed on residential yield, within the parameters allowed by the rules in the plan or enabled through special legislation (HASHAA).

Overall the zone is being established in the manner anticipated, there are a range of housing densities interspersed with trails, high-end golfing, open space and parks offerings as well as some smaller scale commercial development. Quality of life for many residents in the zone is high. A school and daycare facilities have been established and landscape and amenity remain important aspects of development within the zone. Some aspirations for the zone are yet to be realised, which may signal that some of the policies and rules are not quite fit for purpose.

Key findings are that the efficiency of using bespoke set of rules to deliver broad set of uses is perhaps less efficient than using a more standardised set of management objectives, policies and rules. However the approach for the JPZ which applies a directive structure plan in combination with a strict private regulatory regime (an active resident/owner association) has resulted in a zone which by and large is achieving the development outcomes sought by the zone's two Objectives. The JPZ is effective, but is perhaps not been as efficient as a more generalised approach might be through the application of a more standardised zone for appropriately tested parts of the JPZ.

Overall, it was found that the Objectives and policies for the Zone had been moderately effective and generally resulted in the outcomes anticipated by the objectives.

Introduction

This report monitors the effectiveness and efficiency of the Jacks Point Special Zone (the Zone) in the Operative District Plan (ODP). The focus of this report is to determine whether the provisions for the Zone are efficient and effective, whether the objectives and policies are being achieved, and to help identify any resource management issues that have emerged. The findings of this report will help to inform the review of the Jacks Point Special Zone. This report fulfils the requirements of section 35(b) in relation to the Jacks Point Special Zone

The RMA requires that the effectiveness and efficiency of a plan are assessed, with the findings then used to inform the review of a plan. This is focused on the efficiency and effectiveness of the plans objectives, policies or methods (i.e., rules).

District plan effectiveness monitoring requires the Council to compare what is actually occurring under the district plan provisions with the intentions of the plan (as expressed through its objectives). This involves first identifying what the plan is trying to achieve for the zone, and to then track how well it is achieving these objectives. Once an understanding of how well the objectives are being met, the next consideration is identify to what extent this can be attributed to the District Plan policies and rules and to what extent 'outside' influences may be affecting the ability of the Plan to achieve its objectives.

Plan Efficiency monitoring refers to comparing the costs of administering the plans provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. It is noted here that determining what level of costs are acceptable is generally a subjective judgement and, as such, it is difficult to reach definitive conclusions. It is also considered that if development can be undertaken with no resource consent fees then that improves the efficiency of the Plan.

Requirements of the Resource Management Act (1991)

Section 35 of the Resource Management Act 1991 (RMA) states that:

> *(2) Every local authority shall monitor –*
>
> *…*
>
> *(b) the efficiency and effectiveness of policies, rules or other methods in its policy statement or plan;*
>
> *…*
>
> *and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.*

What is the Jacks Point Special Zone?

Jacks Point is located within the Coneburn Valley and is situated to the east of Lake Whakatipu and west of State Highway 6. The valley is framed by the Remarkables mountain range to the east and Peninsula Hill and Jacks Point to the west, and Homestead Bay is to the south. Historically it was used for pastoral farming, and today the Jacks Point Special Zone (JPZ) is a developing settlement that contains two distinct neighbourhoods, an 18-hole golf course, and some small scale commercial development. There is a trail network and some public transport provision, the 2023 census had 1182 households in the area.

The area is managed by Chapter 41 of the Queenstown Lakes Proposed District Plan (PDP), along with a structure plan and provisions in Chapter 27 - Subdivision and Development, the two chapters work together to enable development and manage land use and subdivision within the zone. there are some provisions which apply across the zone, and others which apply to individual activity areas, as seen in the structure plan below. Additionally the district wide chapters of the PDP apply. The zone has its own landscape management regime. There are also specific provisions for the JPZ in the transport and earthworks chapters.

Jacks Point Structure Plan

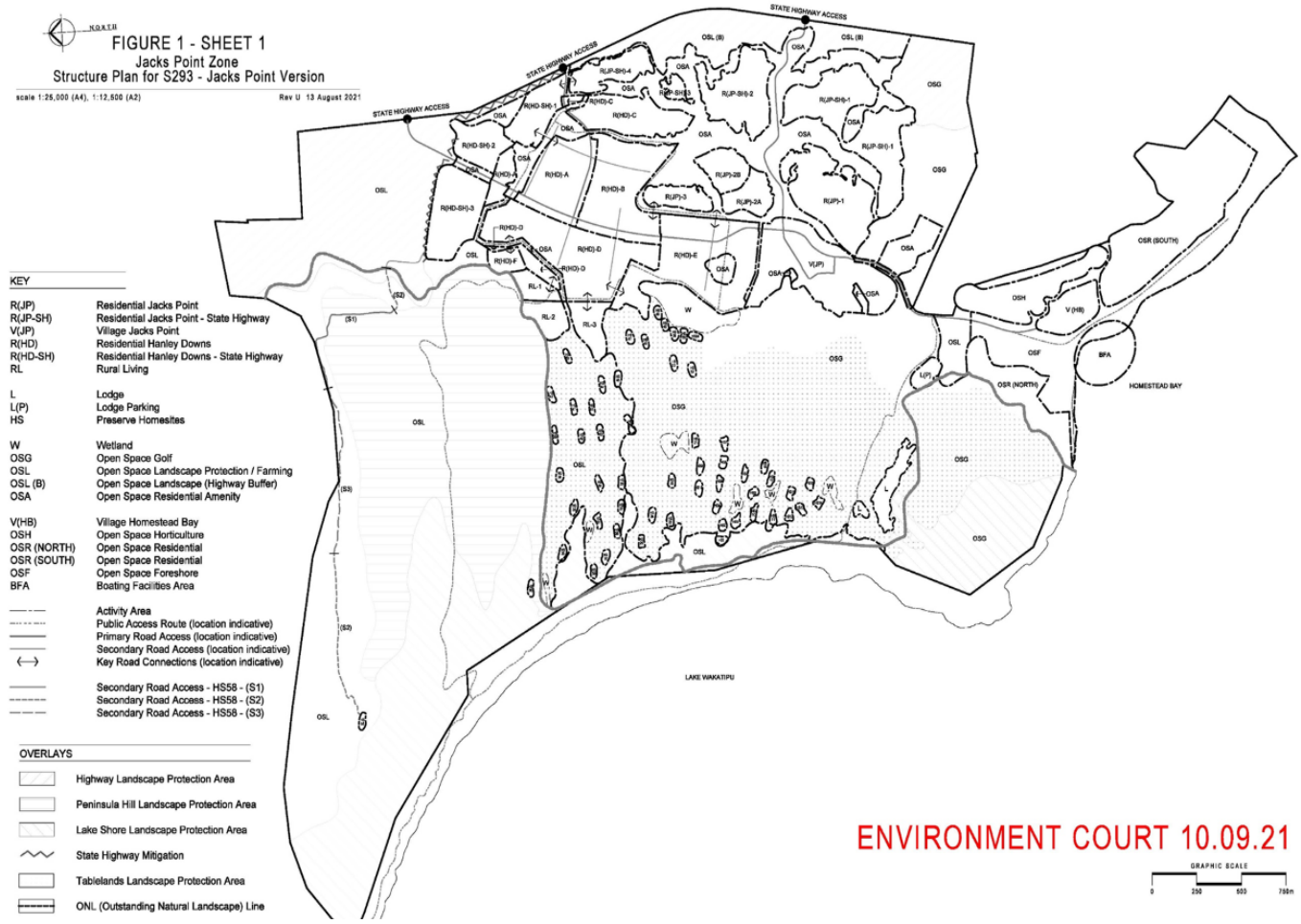


Figure 1 Jacks Point Structure Plan (41.7 and 27.13.2)

Wider zone is established

In 2002 QLDC initiated a variation to the then operative plan for the special Jacks Point Zone to upzone an area of approximately 420ha at the foot of the Remarkables and close to the edge of Lake Wakatipu[1]. A structure plan for this area was part of the district plan, and was based on detailed site studies and included mapping and analysis of landscape, geology, topography, soils, ecology, hydrology, land use and viewpoints (Coneburn Resource Study 2002). The intent was to enable a resort-style residential development with golf facilities. The initial structure plan for the JPZ was for around 400 units, then 800, and by 2008 the intended yield was approximately 1200[2] The zone became operative in 2006 and has been developed over time. Since the original variation (shown in bright yellow below) there have been a

[1] Resource consents RM050573 and RM050852 were granted on (28 November 2005 and 23 May 2006 respectively) for the underlying subdivision consent for Jack's Point.

[2] Darby Evidence – hearing for RM090252

series of smaller scale zoning changes within the spatial extent of the original zone, these are discussed below.

Neighbourhoods are upzoned within the wider zone

Hanleys Farm (originally called Henley Downs[3])

Private plan change 44 to the Operative District Plan (2007) was made operative in 2017, and further upzoned residential land to the North of the primary Jacks Point neighbourhood. It applied to approximately 561 hectares of land and sought to enable residential development to a range of densities, including a landscape-driven overall layout, a higher density village and suburban-type residential core, and a lower density periphery. Initially slated to deliver between 1511 (low) and 2510

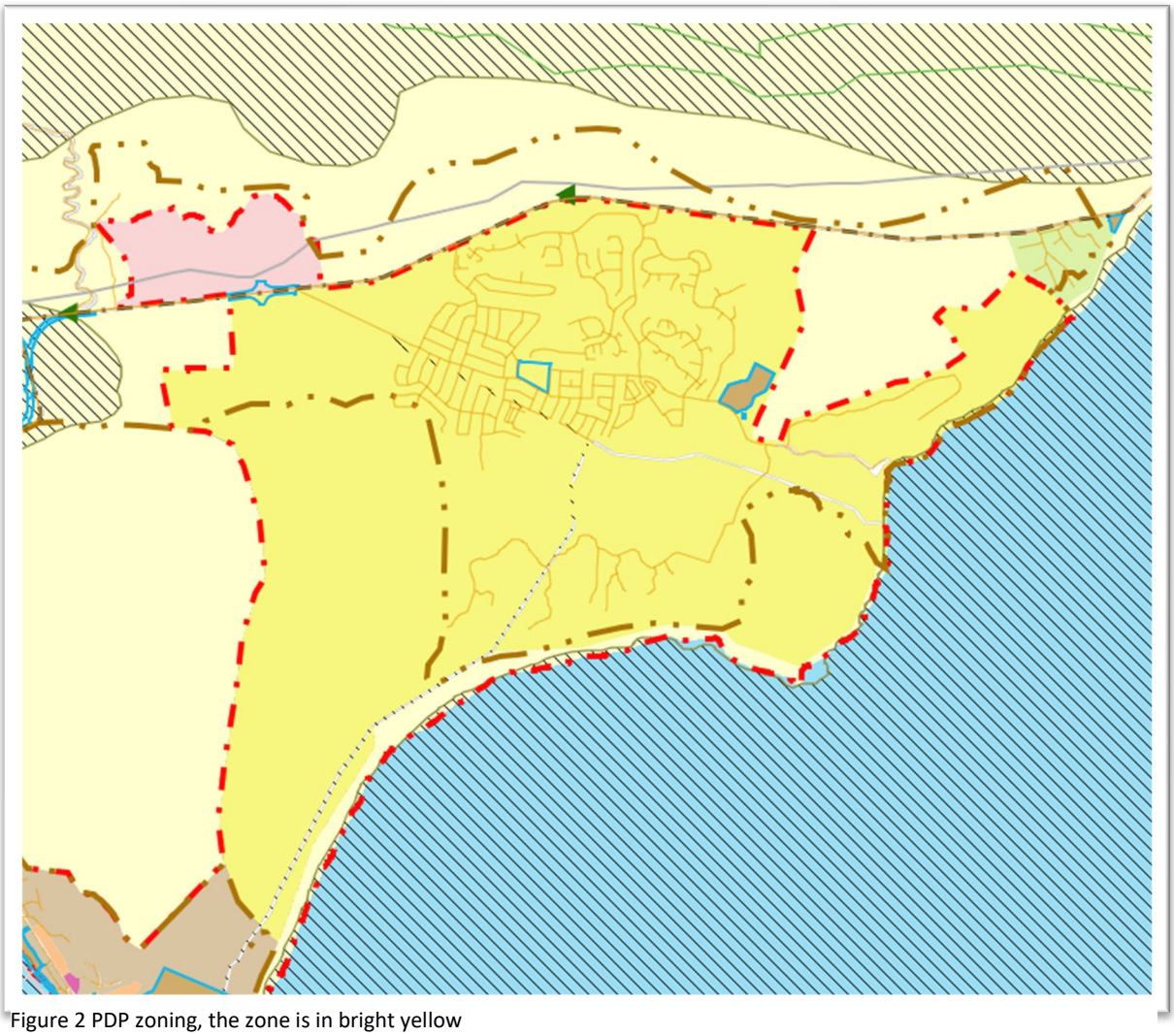


Figure 2 PDP zoning, the zone is in bright yellow

[3] the Queenstown and District Historical Society identified this error in a submission, in fact, incorrect, and that it should be Hanley Downs (emphasis added) to reflect the accurate spelling of the farmer of the area in the 1800's; Mr Jack Hanley.

(high) out of the 561 ha area[4], the Oct 2024 development masterplan projects 1724 lots by the end of development.

Parkridge (Coneburn SHA)

A Special Housing Area (SHA) is an area of land suitable for new housing, where development is enabled under the more permissive consenting powers provided by the now expired Housing Accords and Special Housing Areas Act (HASHAA). Under HASHAA, the underlying district plan zoning of the site is retained; and the residential development is provided for through land use and subdivision resource consenting rather than the RMA.

In 2019 Parkridge SHA was approved within a rural part of the JPZ for 600 dwelling unit equivalents (SH190488)[5]. It is currently under development and projections are for at least 635 lots to be realised by completion. The area also includes a small commercial centre within the consent. The underlying zoning for Parkridge under the PDP is zoned Jacks Point – Open Space Landscape Activity Area (OSL).

A Historic Structure Plan for JPZ with Park Ridge is shown in red outline in figure 3 below.

[4] appendix-f-area-density-and-yield-analysis.pdf - PC 44 42a supporting evidence, May 2015

[5] In 2019 the Council sought expressions of interest under the Housing Accords and Special Housing Areas Act 2013 (HASHAA). An expression of interest for Coneburn SHA was approved in principle by the Queenstown Lakes District Council on 18 April 2019 and approved by the Government on 26 August 2019 with the Order in Council commencing into force on 30 August 2019.

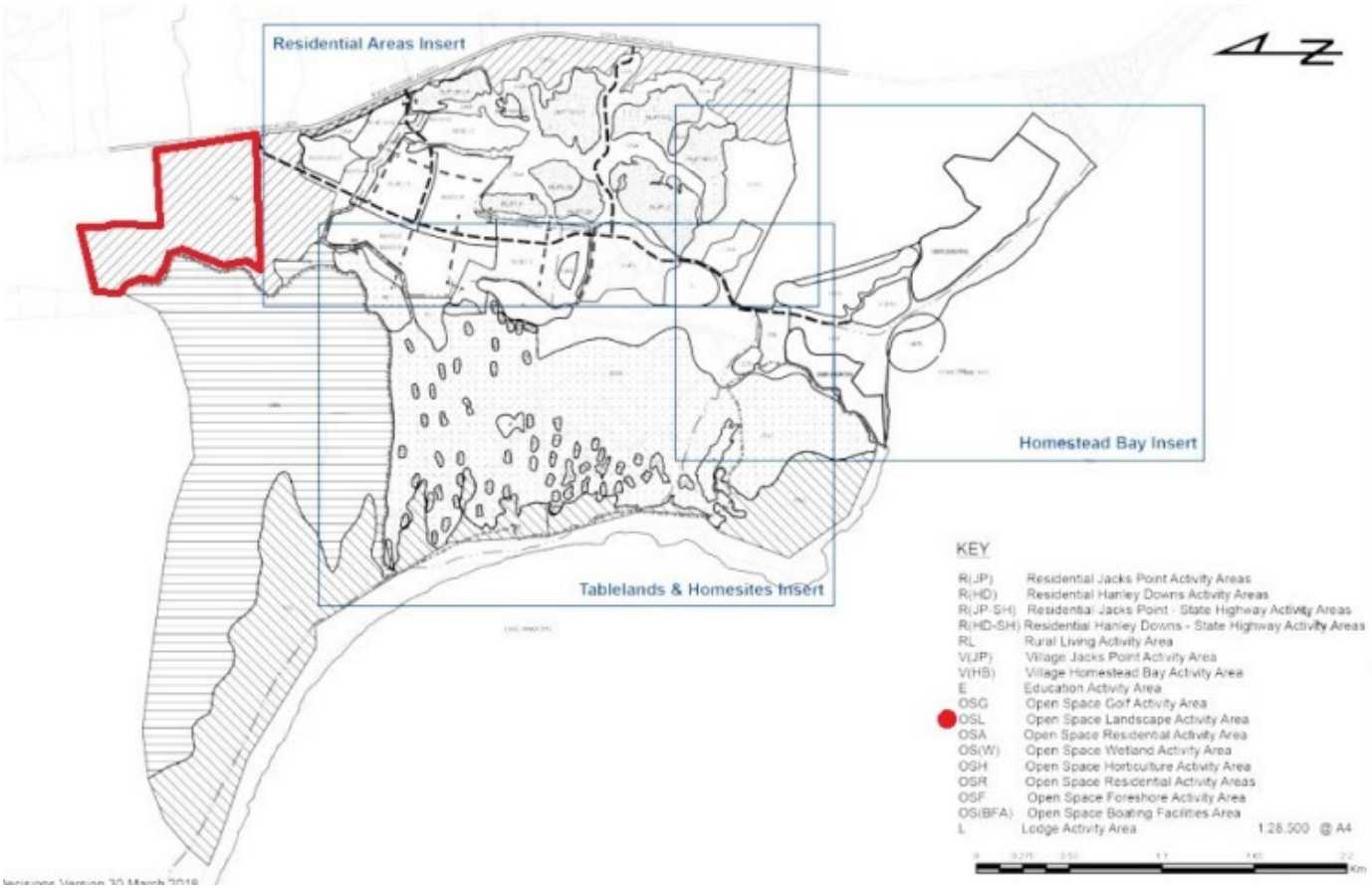


Figure 3 JPZ structure plan (2019) - now superseded, but which shows the underlying zoning of Parkridge SHA[6]

Proposed District Plan process

In 2015 stage 1 of the district plan review of the Operative District Plan (2007) commenced, and the JPZ (operative plan version) was included. An updated Resource Study was prepared which led to an updated structure plan, a new chapter 41 and changes to Chapter 27 Subdivision and Development. Council notified the Proposed District Plan, Stage 1 of on 26 August 2015 which contains objectives and policies for the Jacks Point Zone. At the time of writing, one appeal remains unresolved:

> *ENV-2018-CHC-061 - Alexander and Jayne Schrantz[7] (stage 1) – Appeal lodged*

Stage 2 of the district plan commenced in 2017, one appeal remains unresolved which is not 'on' chapter 41, but is within the zone.

> *ENV-2019-CHC-095 - Henley Downs Farm Holdings Ltd and Henley Downs Land Holdings Ltd – consent documents filed.*

[6] AEE updated 9.9.19

[7] ENV-2018-CHC-061 | Queenstown Lakes District Council

Appeals and an RMA section 293 process – additional changes to the plan

In 2018 Jacks Point appealed Queenstown Lakes District Council's decision on Stage 1 of the plan review on a number of related provisions for the Jacks Point Village Activity Area. The appeal was allocated to Topic 22 and heard by the Court in September 2020. At the Environment Court Hearing, the use of s293 to address matters beyond the scope of relief in the appeal were traversed. On 15 October 2020 the Court directed parties to consult on the formulation of a Comprehensive Development Plan (CDP). This process was subsequently completed and wrought changes to the text of Chapter 41, including amending education areas within the zone, and inserting a Comprehensive Development Plan for the Jacks Point Village area. It was finalised 11 July 2022.

The CDP has 3 plans/maps and a set of regulatory controls associated with each of the following plans for the Jacks Point Village area:

Plan 1 – Land use areas (figure follows)

Plan 2 – Roading Network and Hierarchy

Plan 3 - Community Amenities, Pedestrian and Cycle Network

This relatively recent change means that parts of chapter 41 are yet to be up taken/tested thoroughly through development processes.

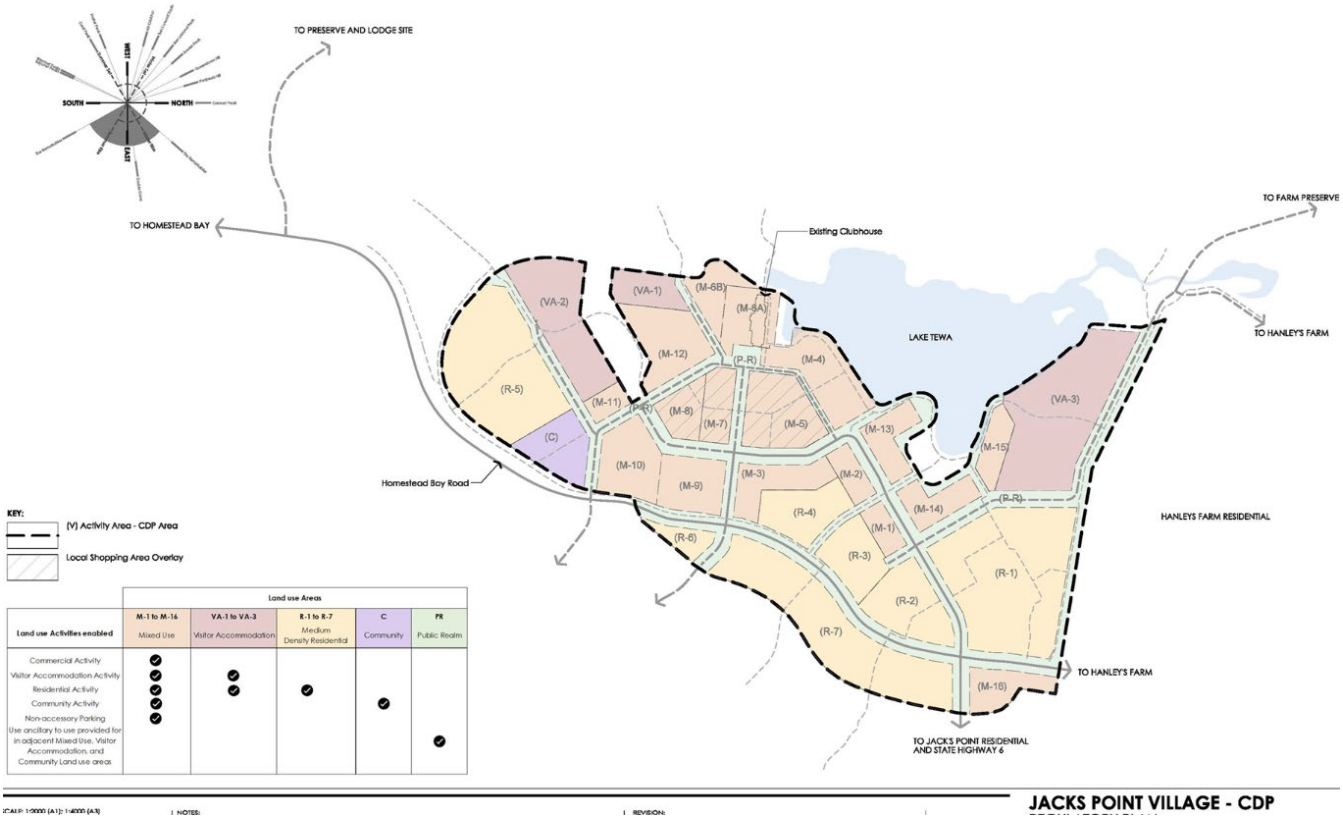


Figure 4 Jacks Point Comprehensive Development Plan, Land Use – Plan 1, Chapter 41..

Current PDP processes

Urban Intensification Variation: The urban intensification variation promulgated under the NPS UD 2020 (updated May 2022) does not currently apply to the zone.

Landscape schedules: The proposed variation seeks to change Chapter 21 Rural Zone, to introduce landscape schedules 21.22 and 21.23. These schedules set out the landscape values for twenty-nine Priority Area landscapes across the Whakatipu Basin and Upper Clutha, Peninsula Hill is one of the Priority Area Landscapes and it is adjacent to the JPZ. The southern boundary adjoins the Jacks Point Zone Tablelands and Homesites area and the eastern boundary adjoins urban zoned land including Hanley Downs and the Parkridge/Coneburn SHA.

Hearings were completed in October 2023, and there are two appeals lodged for the Peninsula Hill Priority Landscape Area, listed below:

> *ENV-2024-CHC-068 - Coneburn Preserve Holdings Limited and Henley Downs Farm Holdings Limited*[8]
>
> *ENV-2024-CHC-059*[9] *- Mee Holdings Ltd*

Conclusion

The JPZ has been in a semi-constant state of change from a policy planning perspective since the early 2000s. Over this time the area has become more dense and more populated as the zoning intentions have become increasingly focussed on residential yield, within the parameters allowed by the rules in the plan or enabled through HASHAA.

The "State" of the Special Zone

This section addresses the effectiveness of the objectives, policies and rules of the zone and the testing of these outcomes. Appendix 1 contains analysis of the policies and associated rules that support the discussion and conclusions in this section, which together demonstrate the overall 'state' of the JPZ in terms of the effectiveness measures set out in section 35(1) of the RMA.

The zone purpose describes the key outcomes provided for within the zone:

> *The purpose of the Jacks Point Zone is to provide for residential, rural living, commercial, community and visitor accommodation in a high quality sustainable environment comprising residential areas, two mixed use villages and a variety of recreation opportunities and community benefits including access to public open space and amenities.*
>
> *The village areas and associated residential activities at Jacks Point will be sustainable in their nature, constituting mixed density development, best practice methods of waste disposal and longevity in their quality and built form. The preparation of development controls and non-*

[8] ENV-2024-CHC-068 | Queenstown Lakes District Council

[9] ENV-2024-CHC-059 | Queenstown Lakes District Council

regulatory design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure provision for the social, economic and cultural wellbeing of the wider community, while also assisting in ecological enhancement and the seamless integration of the built and natural environment.

In addition, the zoning anticipates an 18-hole championship golf course, a luxury lodge, small-scale commercial activities, provision for community facilities, craft and winery activities, outdoor recreation and enhanced access to and enjoyment of Lake Wakatipu.

Discussion and testing

Zone purpose

The purpose of the zone seeks to provide an array of activities and a variety of land use purposes, and broadly, these are enabled with in the zone and the activities listed are being undertaken. Not all the anticipated activities are currently being seen within the zone, the table below briefly evaluates the activities noted, and their presence in the zone.

Activity noted in purpose statement	Developed in zone?
residential	yes
rural living	yes
commercial	yes
visitor accommodation	yes
two mixed use villages	no
access to public open space and amenities	yes
18-hole championship golf course	yes
A luxury lodge	no
small-scale commercial activities	yes
community facilities	no
craft and winery activities	no
outdoor recreation	yes
enhanced access to and enjoyment of Lake Whakatipu	no
best practice methods of waste disposal	unknown

Some activities set out in the zone purpose remain unrealised such as best practice waste disposal and enhanced lake access. The two villages are not yet fully realised, and additional commercial locations have emerged using provisions which allow for development within set criteria, showing that the zone is developing slightly differently than envisioned in the zone purpose statement.

Community cohesion

A high quality of life is an underlying component being sought in the purpose of the zone. The QLDC Quality of Life[10] survey tests, among other qualities, the levels of community involvement, cohesion and participation. Jacks Point is grouped with Kelvin Heights in the survey in relation to community cohesion,

[10] qldc-quality-of-life-2023-report.pdf

and it was found that while respondents felt safe in their neighbourhoods (93%); respondents' views on their belonging and participation rated as relatively low (45% and 33%); demonstrating that perhaps the cohesion and sense of community in the area aspirationally described in the purpose still a work in progress for many residents as the zone develops.

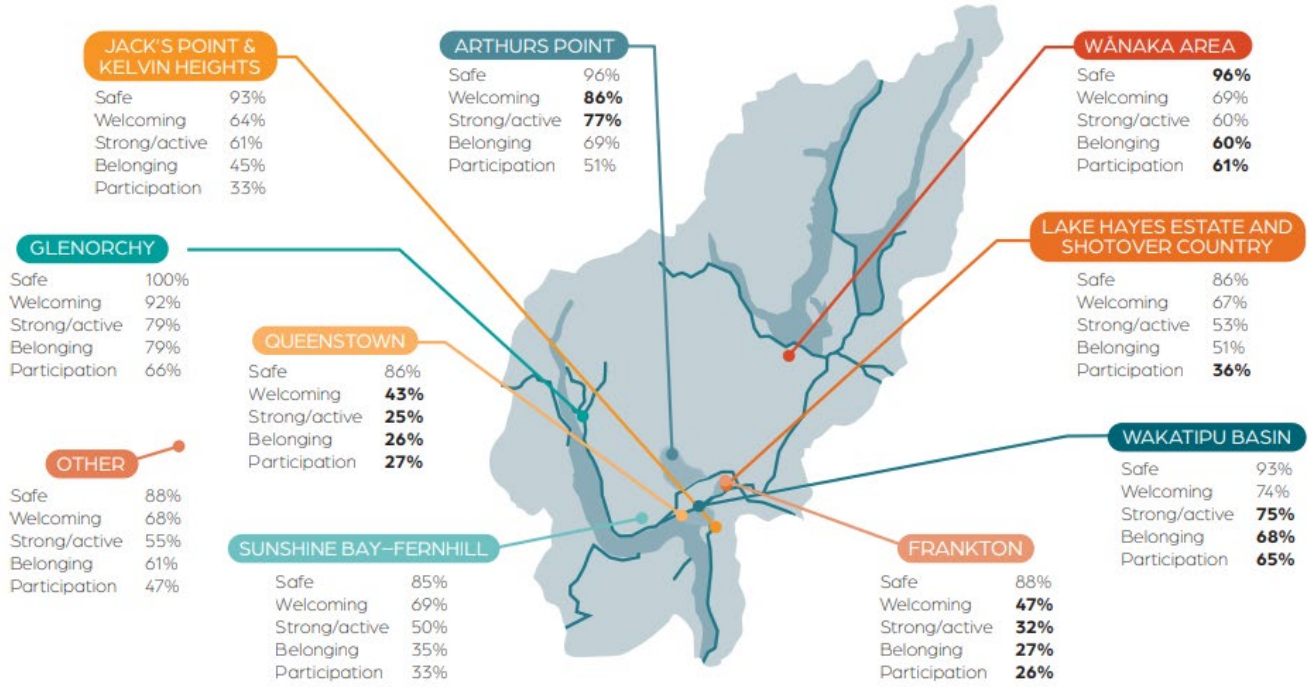


Figure 5 page 59 of Quality of Life Survey 2023

Building in Jacks Point

There are currently 1709 residential rating units with improvements (e.g. buildings) in the JPZ[11], and since 2018, 995 buildings have been issued Code of Compliance under the Building Act. Of these more recent builds, 77% are located in the Residential Hanley Downs activity area[12]. This demonstrates that

[11]

Lifestyle-Multi unit	1
Lifestyle-Single unit	18
Multi use within Commercial	2
Multi use within Residential	5
Residential - Multi Unit	495
Residential Multi-use at primary level	1
Residential -Single Unit (other than Bach)	1148
Residential-Bach	1

[12] QLDC building consents data

the land is being developed quickly in Hanley Downs (Hanley's Farm). This corresponds well to the rule framework in the Zone for the Residential Activity Areas within Hanley Downs which are recognised as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone (41.2.1.12). Into the future, the area is signalled as a priority growth area in the 2021 Spatial Plan, and the 2017 Housing and Business Capacity Assessment (while slightly outdated at the time of writing) forecasts sustained population growth for the zone in remaining greenfield areas:

Timeframe	Dwelling Capacity
Short term	2,035 [13]
Medium term	3,618 [14]
Long term	10,107[15]

This progressive development of the Hanley's Activity Area is also evident in building scale data. Building sizes have been falling in JPZ, in 2018 the average floor size was 215 sq m, and in 2023 it was 187 sq m. The average estimated cost for the builds has increased from $497,609 to $552,416 (not adjusted for CPI). Higher build prices are a systemic issue across New Zealand, but in the JPZ this could be for a few reasons, including higher overall building prices over time, as well as higher costs associated with attached dwellings, such as a single family home with an attached flat, a build type which frequently occurs in the JPZ. Rating data demonstrates that 29% of residential buildings in the zone are multi-unit (primarily a dwelling with a flat).

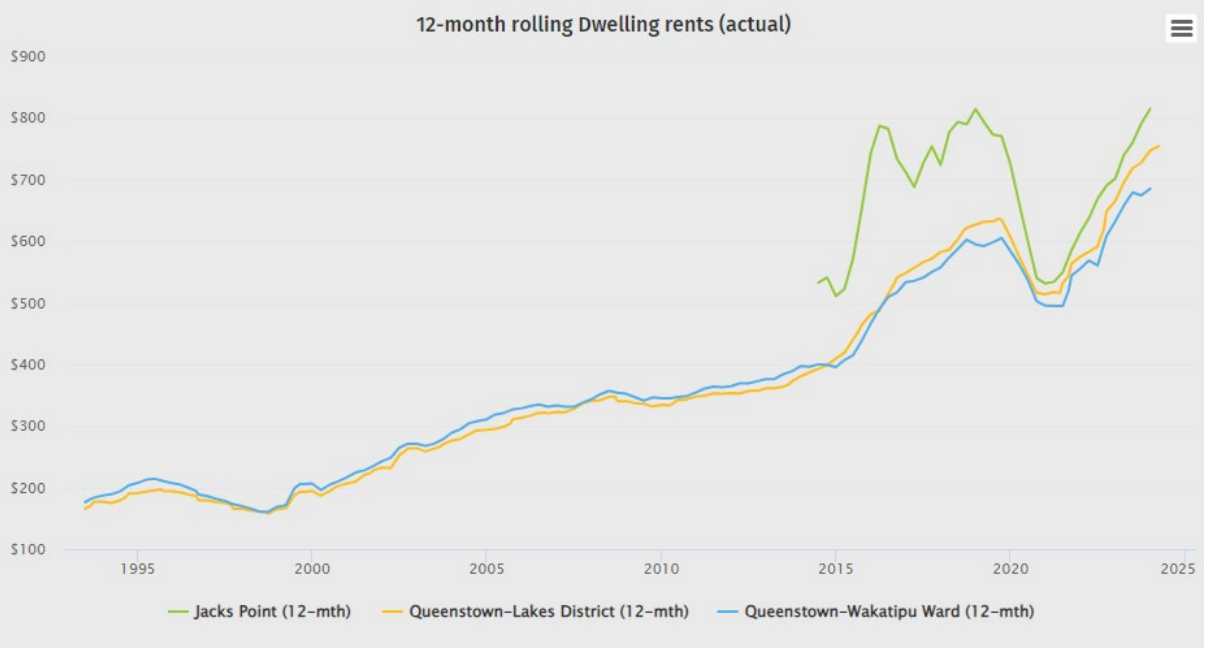
In terms of housing costs for residents, rental prices in the suburb tend to be higher than the rest of the district since data became available[16]. Rents for the a recent period shown are $815 per week as compared to $685 for Queenstown/Wakatipu more broadly. The average capital value for all types of residential units in the JPZ is $1,435,763, which while in line with the average house prices across the district, is not affordable relative to standard incomes in the district. For residents, living in JPZ is potentially more expensive than other parts of the Wakatipu basin.

[13] Table 6.1 on page 125 of: 3a-attachment-a-housing-development-capacity-assessment-2021-main-report.pdf (qldc.govt.nz)

[14] Table 6.3 on page 128

[15] Table 6.5 on page 131

[16] Data from the National Policy Statement on Urban Development dashboard was used to compile this information and is from 2015 to present. The Jack's Point area is identified as a specific unit for which data is collated in the dashboard tool.



Currently the JPZ enables commercial development through two villages (Homestead Bay – unrealised, Jacks Point Village, partially developed) as well as opportunities for commercial activities along main roading networks within the zone (41.2.1.14, 41.4.1.7, 41.4.1.8, 41.5.1.9). Activities established outside the village areas include a medical centre, daycares and café, demonstrating market response to commercial needs are emerging.

These commercial consents breach the structure plan but are controlled activities via the rule framework (41.4.2.2).

Non-residential use of housing

Use of housing for non-residential visitor accommodation is anticipated within specific activity areas of the zone, and while there are yet to be any traditional hotel or motels established, consents data shows that 48 consents issued with Visitor Accommodation listed in the description. Residential Visitor Accommodation and Homestays are Permitted activities subject to standards including a requirement to be registered in residential areas (41.4.19), Controlled in the village areas (41.5.2.7) and Restricted Discretionary in Hanley Downs.

A quick desktop survey of one visitor accommodation website in October 2024 showed in excess of 120 entire properties listed as a Jack's Point location, suggesting that the consenting framework is likely not being engaged in terms of RVA use of residential properties.

Conclusion

Overall the zone is being established in the manner anticipated, there are a range of housing densities interspersed with trails, high-end golfing, open space and parks offerings as well as some smaller scale commercial development. A school and daycare facilities have been established and landscape and amenity remain important aspects of development within the zone. Some aspirations for the zone are yet to be realised.

Zone objectives

There are two objectives for the zone (one in chapter 41 and another in chapter 27), discussed below.

Chapter 41 Objective	Comment
The establishment of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities with appropriate regard for landscape and visual amenity values, and within a framework of open space and recreation amenities.	Overall the objective is being achieved with elements listed present within the zone. The integration of the zone across neighbourhoods (Jacks Point to Hanley's) is lacking, but is in progress as development continues to occur. S32 for chapter 41 sought a streamlined approach to the objective, this has been achieved. There is long list of criteria perhaps better suited to more than one objective.

Chapter 27 Objective	Comment
Subdivision occurs consistent with the Jacks Point Structure Plan.	Generally development was consistent with the structure plan, the objective acts as placeholder/signpost directing users to the structure plan. The structure plan was regularly breached within the zone, and the levels of the breaches vary from very minor to significant.

Effectiveness of the Objectives

The objectives do a reasonable job in providing the framework for the policies and rules which seek to achieve zone objectives. Analysis of the structure plan, and the departures from it, is inherently an aspect of evaluating the effectiveness of the objectives. In this, the dual objectives in the two chapters are not as effective as they could be, as the structure plan is regularly breached in resource consents.

Zone policies

The JPZ has an extensive list of policies and rules, some of which apply across the zone and other which apply to particular areas of the structure plan. A few policies relate to specific sites in the zone, inserted through appeals processes (these have not been assessed as they are related to individual sites and therefore will not be indicative of the zone's overall efficiency).

Appendix 1 has tables which analyses each policy in Chapter 41, and a high level summary by policy group is provided below:

Zone wide policies - findings

Overall the zone wide policies are somewhat effective in that the directions being set are achieved either wholly, or to some extent, excluding the policies which seek adherence to the structure plan. The policy related to lakefront access and development remains unachieved due to the timing of development, so is untested.

Residential policies – findings

The residential policies for the zone function to carve out the approach and style for the zone at large, with allowances for more densities in the Hanley Downs residential area.

Village policies - findings

The Comprehensive Development Plan which manages this area was incorporated in 2022 (see the section 293 discussion earlier in this paper). This means the policies for the village have been recently inserted into the plan so recently that is not yet appropriate to test the efficiency and effectiveness, they have not been tested for this report.

Open space policies – findings

Consent conditions often play a part to ensure realisation of policies. Ongoing effectiveness of the ecological rules are variable by location within the zone as time has passed.

Findings

This section addresses the effectiveness of the zone purpose, objectives and policies and the testing of these outcomes. Appendix 1 contains analysis of the policies and associated rules that support the discussion and conclusions in this section, which together demonstrate the overall 'state' of the JPZ in terms of the effectiveness measures set out in section 35(1) of the RMA.

The zone purpose is broad, and seeking a resort-style development built not just for locals but also for visitors. Today, the use of the zone is becoming more residential than resort as Hanley Farm and other neighbourhoods are built and commercial activities are beginning to emerge. Overall, the purpose of the zone is partially achieved and can be seen to be relatively effective, particularly as some of the unrealised aspects seen in the purpose statement and enabled by the policies and rules may still come to fruition as the area continues to develop.

The key resource management issues highlighted in the s32 for the zone was focused on landscape protection and amenity in particular. The rules frequently include numerous assessment matters relating to integration and mitigation within different activity areas of the zone. The use of the residents association sign off as part of the consenting requirement is an extra layer which is likely leading to more effective outcomes in terms of the original intent of the zone but likely add complexity to the process for consent seekers.

The structure plan by and large dictates the form of development of the zone, and by and large has been realised as set out in the chapter. The various types of development by activity area has been adhered to, with more dense development occurring in Hanley's, low density in the residential activity areas of Jacks Point, and rural lifestyle development in the tablelands. Ecological policies are often implemented through consent conditions. Ecological monitoring is showing that some of the policies are not as effective as they could be as time has passed. Open paces and reserves are provided for in the zone, albeit some areas are yet to be realised where development has yet to occur. Overall the zone's objectives and policies have been found to be mostly effective for the areas where development has occurred. For the areas where development has not yet been realised, it may be that zone policies may not be as effective as they could be.

District Plan efficiency monitoring

This section addresses the efficiency of the zone in terms of consenting cost, time and complaints. this section, which together demonstrate the overall 'state' of the JPZ in terms of the efficiency measures set out in section 35(1) of the RMA.

Resource Consents

Resource consents are common in the zone. Data entry for each consent is captured during the consenting process. The quality of this data represented in this section should be seen as qualitative rather than quantitative, however it does provide insight on some additional detail of the types of breaches frequently occurring. The map below shows the frequency and distribution of resource consents (all types since inception in 2005) within the zone.

The consents data analysis below is from 2018 – 2023 to assess the current rule framework when possible, 2018 is when the notified changes to the PDP were made.

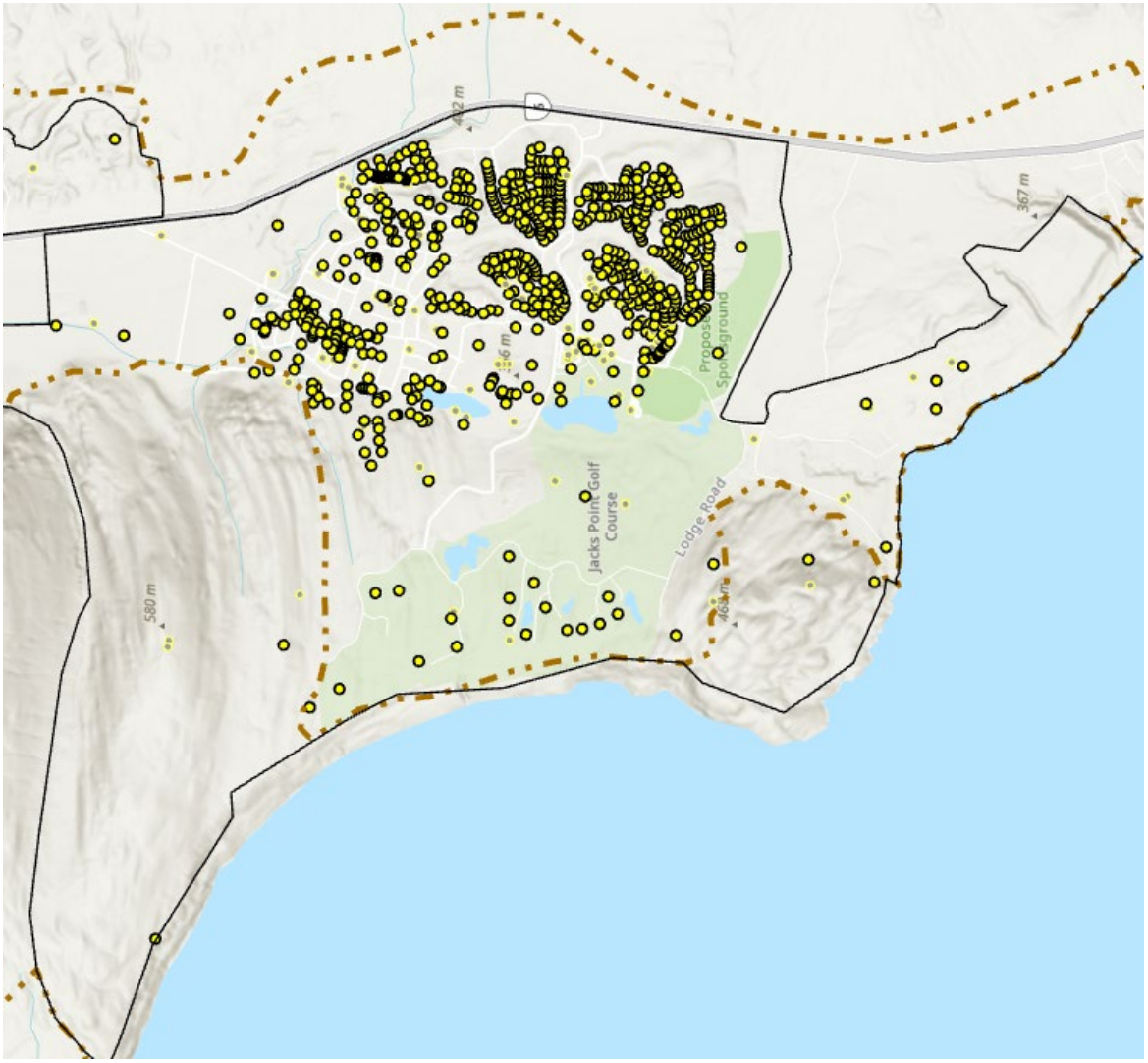


Figure 6 Map of Resource Consents in JPZ in all stages since inception of the zone in 2005 to October 2024. Resource consents are indicated by a yellow circle, the original zone is outlined in black, and the landscape classification line is brown hashing.

Resource consents are broken down into categories at the time of consent. The number of resource consents issued in the zone since 2018 to mid 2024 is 415, the breakdown in consent type is below. No consents were declined.

Land use	299	72%
Variation of consent condition (s127)	41	10%
Combined Land Use and Subdivision	31	7%
Subdivision	19	5%
Code of Compliance	9	2%
Boundary	8	2%
Right of Way	4	1%
Outline or Notice of Requirement	4	1%

Activity Status of breaches – all consent types

50% of the consents issued in the zone are non-anticipated activities (Discretionary and Non-Complying). There were no instances of consents being rejected recorded.

Permitted/Deemed/N/A[17]	21
Controlled	28
Non Complying	57
Discretionary	149
Restricted Discretionary	155

Within the largest category of consents, Land Use, approximately 50% of the consents had a Restricted Discretionary status. For Restricted Discretionary consents the most frequently triggered rules were related to earthworks/retaining walls and internal setbacks:

	Hanley Downs – Rules frequently triggered	Other Residential – Rules frequently triggered
Earthworks/retaining wall	25.5.18	

[17] Consents in the Permitted column relate to certificates of compliance for visitor accommodation activities, consents in the deemed category relate to boundary activities, and N/A relate primarily to process related to Notices of Requirements.

Internal setbacks	41.5.1.8	41.5.1.7

Of the data completed (which should be taken as indicative rather than definitive) the frequency of breaches related to discretionary consents issued are shown in the pie chart below.

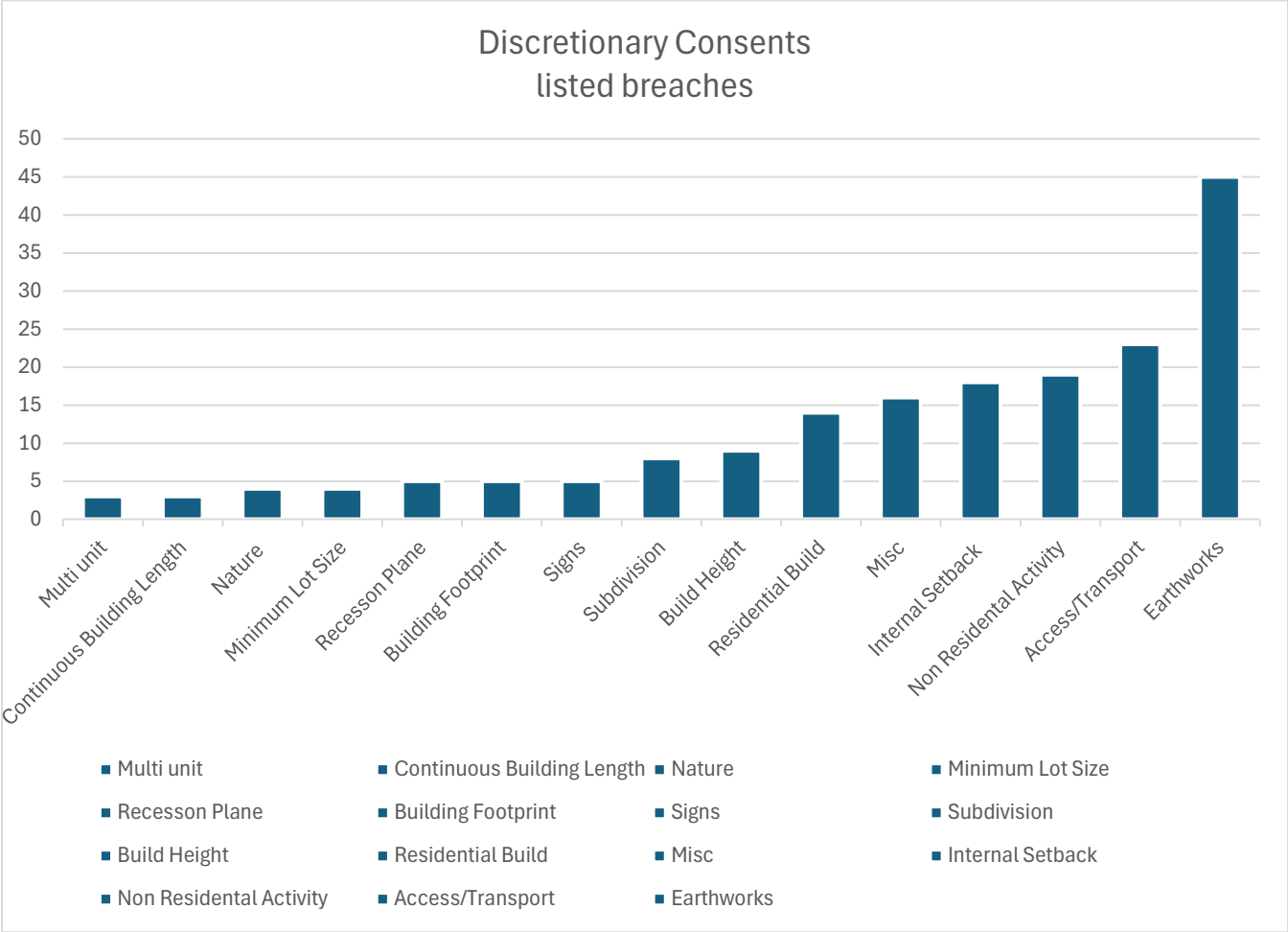


Figure 7 Discretionary listed breaches. Note: Breach categories with occurrences of less than 3 were disregarded

Earthworks and access/transportation were the most frequently listed reasons for Discretionary consent. Rule 41.5.5.1 requires that development be undertaken in general accordance with the structure plan as a discretionary activity, and this rule and corresponding provisions in chapter 27 was frequently breached.[18]

Section 127 of the RMA requires a discretionary status for consents which seek the alteration of a (previous) consent condition. The data shows that 10% of consents issued in the zone related to this process specifically, however many consents also had changes of conditions listed in the application

[18] Rule 27.5.6 for any subdivision that does not fall within any Rule in section 27.5 – discretionary.

description as well. The use of consent conditions to ensure outcomes being sought in the zone is a frequently applied tool which is leading on-going resource consenting requirement for developers/owners to remain compliant.

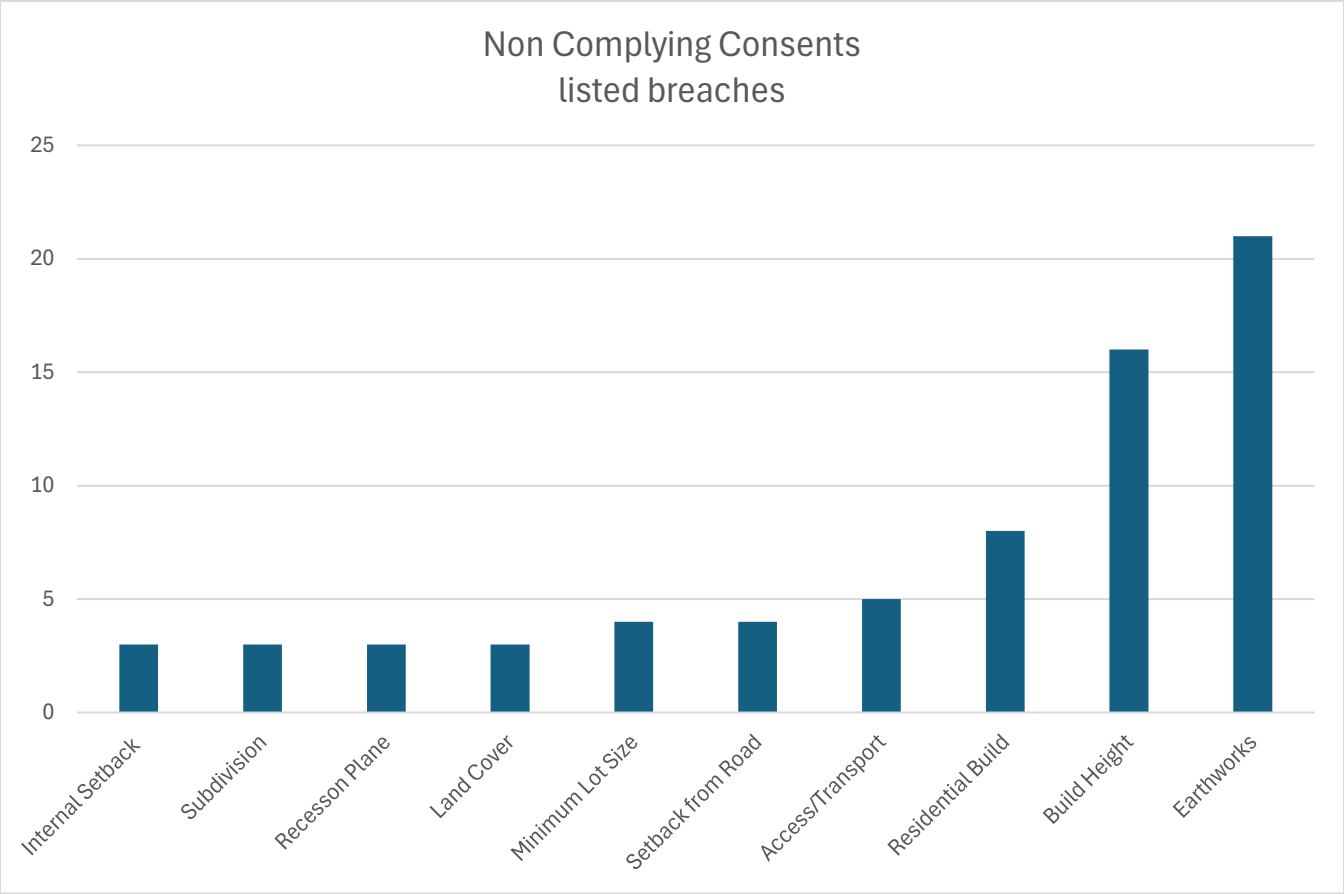


Figure 8 Non complying consents listed breeches. Note: Breech categories with occurrences of less than 3 were disregarded

For consents for non-complying activities, earthworks and maximum building height (41.5.1.2, 41.5.4.9) were the two most frequently listed reasons for the consent being required.

Findings

Consenting time and costs

86% of all types of consent were completed within the statutory timeframe in the JPZ, demonstrating that overall it has been reasonably efficient to apply the rules of the zone.

These costs are indicative, and do not consider the time and charges for the applicant for any expert reports included with an application.

In financial terms, the average cost of a consent (all types) was $4,630 as compared to an average across all ODP special zones of $4,522, showing that consent costs in the JPZ is on par with other ODP special zones. National consenting data provided by the Ministry for the Environment shows that the average costs of a consent (any type) across NZ from 2014-2023 is $3,062. The JPZ equivalent figure is higher than

the national average, but given the clear direction of the zone to enable a specific and targeted amenity, is perhaps not unreasonable.

Looking at the types of consents in the JPZ, the charges for combined land use and subdivision are significantly higher than other types of consents in the JPZ, often these consents are more complex.

Combined land use and subdivision consent	$19,748
Land use consent	$4,319
Subdivision consent	$5,213

Within the most expensive category – combined land use and subdivision consent, consents which were non-complying (n=10) cost on average $25,881, while discretionary consents cost on average $4,415 (n=4) demonstrating that more complex consents which seek to breach rules which are not anticipated to broken are requiring more investment by both applicants and council.

When this data is compared with the full dataset (e.g. the district at large) for the same time period, NC consents cost less (an average of $15,707) while discretionary consents cost more on average ($11,612).

Other consents efficiency matters

Declined Consents

A consent was declined for minor matter related to the scope/quality of the application. Otherwise none were noted in the data.

Complaints from the public

The following is a general overview of resource management related complaints documented with in the JPZ over the last 2 years. The complaints are filed by category when the 'request for service' notices are entered into the council systems for processing.

Excessive noise complaints – 17

Many of these complaints related to reverse sensitivity issues with ongoing development in a residential zone, as well as a few related to work out-of-hours.

Land/reserve complaints – 20

Related to parking, access and reverse sensitivity effects from construction in residential areas.

RM complaints – 9

These complaints relate to dust, vibration and other effects associated with effects from construction in residential areas.

Generally, the complaints noted in the zone are related to transitory issues related to the establishment of new building next to existing housing, which overall is deemed to be a significant but transitory effect.

Findings - How efficient is the JPZ?

Efficiency for the plan refers to comparing the costs of administering provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. Determining what level of costs are acceptable is subjective.

In the JPZ, the time and the costs associated with development are commensurate to what one might expect for a busy and developing zone with high levels of amenity and landscape controls. Consenting costs are similar to other parts of the district. To improve efficiency, shared amenity controls with the residents association could be reviewed for a more efficient outcome should the community be minded to do so.

Specific rules on earthworks and landscaping requirements are regularly breached. Rules related to building heights and accessways are also being triggered regularly. It is recommended that these rules are assessed more deeply to clearly understand the need for their application for future use of the zone.

The JPZ is developing faster than policy planning processes, and repeated large scale NC breeches for subdivision demonstrate that market pressure to deliver housing is being balanced with the competing resource management needs set out in the zone controls. While this may not be as efficient as it could be the alternatives are not necessarily effective for the objectives of the zone, demonstrating that the suite of policies and rules which deliver these are functioning reasonably well overall.

'Catch All' discretionary rules (such as that for consent conditions) and subdivision not anticipated are regularly being captured in the zone, and these too should be checked for ongoing efficiency in the future. From an administrative perspective, as the zone continues to mature and consent conditions are cancelled and/or applied to further properties, there is less opportunity to meaningfully track and ensure the efficiency and effectiveness of the zone in consenting data capture. This is particularly noticeable for ecological outcomes in the zone as noted by recent expert monitoring.

Conclusion

The efficiency of using bespoke set of rules to deliver broad set of uses is perhaps less efficient than using a more standardised set of management objectives, policies and rules. However the approach for the JPZ which applies a directive structure plan in combination with a strict private regulatory regime (an active resident/owner association) has resulted in a zone which by and large is achieving the development outcomes sought by the zone's two Objectives. The JPZ is effective, but is perhaps not been as efficient as a more generalised approach might be through the application of a more standardised zone for appropriately tested parts of the JPZ.

Appendix 1: Policy analysis and discussion

ZONE WIDE PROVISIONS

Objectives

There is one objective in Chapter 41 and another in Chapter 27 which relate to the zone. The table below lists the objectives and discusses efficiency and effectiveness.

Objective	Efficiency and effectiveness discussion / tests
Chapter 41 The establishment of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities with appropriate regard for landscape and visual amenity values, and within a framework of open space and recreation amenities.	Overall the objective is being achieved with elements listed present within the zone. The integration of the zone across neighbourhoods (Jacks Point to Hanley's) is lacking, but is in progress as development continues to occur. S32 for chapter 41 sought a streamlined approach to the objective, this has been achieved. There is long list of criteria perhaps better suited to more than one objective.
Chapter 27 Subdivision occurs consistent with the Jacks Point Structure Plan.	These provisions are directive in nature and are not proving to be effective or efficient. The structure plan was regularly breached within the zone, and the levels of the breaches vary from very minor to significant.
Findings - Objectives The objectives which related to the chapters do a reasonable job in providing the framework for the policies and rules which manage the zone. Analysis of the structure plan, and the departures from it, is inherently an aspect of evaluating the effectiveness of the objectives. In this, the dual objectives in the two chapters are not as effective as they could be, for the structure plan is regularly breached in resource consents.	

Policies

Zone Wide Policies and rules	Efficiency and effectiveness discussion	Associated rules
41.2.1.1 Require activities to be located in accordance with the Structure Plan to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account: a) integration of activities; b) landscape and amenity values; road, open space and trail networks; c) visibility from State Highway 6 and from Lake Wakatipu. (*) *(41.1.7; 41.4.1.2)* *Links to policy 27.3.7.1 (below) and the structure plan*	The structure plan is regularly breached, the language around adherence to the structure plan is not effective. Site visits confirm that for a standard viewer that limbs a, b and c are generally being achieved as managed by 41.4 activities located in the JPZ.	
27.3.7.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41. *And associated rules* *27.3.7.2;* *27.3.7.4;* *27.3.7.5;* *27.3.7.7;* *27.3.7.8* *Links to policy 41.2.2.1 (above) and structure plan*	Broad policy which sets direction to chapter 41, links the two chapters together clearly	
41.2.1.2 Provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu. *And associated rules*	Limb one is being met, there is public access is provided to the lakeshore. *Increased* use and enjoyment of the margin and waters of the lake has not measurably occurred, it remains a rural lakeside location at the end of a dirt road.	

41.2.1.3 Provide safe and efficient road access from State Highway 6. *Rule* *41.5.5.3* *41.5.5.4*	• Major access to the Jacks Point Zone from state highway 6 is limited to three points • Improved access through the development of roundabouts at new developments is ongoing. • Recent public engagement to support future structure planning has shown that access to the state highway does not always appear safe to road users • Road safety and traffic figures demonstrate a slightly increasing incidence of traffic accidents in the corridor from 2000 – 2023 (see appendix 1 for data analysis).	
41.2.4.1(a). Ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, road connections, open space, access connections and trails.	Some breaches have occurred in relation to access and connections, however development has overall continued to ensure that the where the design differs, that a reasonable alternative is incorporated	
41.2.4.1(b). Ensure the efficient provision of servicing infrastructure, roading and vehicle access.	Parts of the zone remain undeveloped and unserviced. For the areas which are developed,. Services are generally of sufficient quality. Forecasting for future infrastructure provision is being completed and will be linked to developer investment	
41.2.4.1 (c) Ensure efficient provision of sewage disposal, water supply and refuse disposal services which do not adversely affect water quality or other environmental values.	Longitudinal Water quality monitoring is not being undertaken at the site by public bodies Not currently being met.	
41.2.1.5 Control the take-off and landing of aircraft within the zone.	-	
41.2.1.6 Avoid industrial activities.	Industrial activities have not established.	
41.1.7 Maintain and protect views into the Jacks Point Zone of a predominantly rural and open character when viewed from the lake, and to maintain and protect	As noted above at 41.2.1.1, is being met.	

views across the site to the mountain peaks beyond the lake when viewed from the State Highway.		

Findings – Zone wide polices

Overall the zone wide policies are somewhat effective in that the directions being set are achieved either wholly, or to some extent, excluding the policies which seek adherence to the structure plan. The policy related to lakefront access and development remains unachieved due to the timing of development, so is untested.

Residential Policies	Efficiency and effectiveness discussion / tests	Rules
41.2.1.8 (a) Provide for a diversity of living accommodation, including opportunities for farm and rural living at low densities.	Building data for applications which achieved code of compliance show a spread of building by activity area **Res Activity areas of JPZ – all Building Consents** / **frequency** Open Space Landscape Protection / Farming: 4 Home Site: 2 Open Space Residential: 1 Open Space Residential Amenity: 16 Residential Hanley Downs: 783 Residential Jacks Point: 76 Residential Jacks Point - State Highway: 71 Village Jacks Point: 64	41.4.1.1 41.4.1.5 41.4.1.6
41.2.1.8 (b) Provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.	House sizes are falling but remain large, in 2017 the average building size was 245 sq m in the zone as compared to 187sq m in 2023. Attached dwellings are increasingly common. Design guidelines are adhered to, and are a source of a large proportion of the resource consents on file. Rule is being achieved but may not be as effective as it could be due to transaction costs associated with consenting.	41.4.1.1 41.4.1.5 41.4.1.6 Matters control and discretion
41.2.1.9 Require that any conventional low density residential development in the	Stages of subdivision design overall does show a balance of densities to be achieved. Hanley farm is more densely populated through smaller lot sizes	41.5.1.1 (density rule)

Residential Hanley Downs (R(HD)) and Jacks Point (R(JP)) Activity Areas be offset by higher density residential development and common open spaces in order to achieve efficient use of land and infrastructure.	and frequently occurring ancillary (attached) dwellings.	
41.2.1.10 Maintain or enhance the character and amenity values that exist in the established Jacks Point Residential Activity Areas (R(JP)) as at 31 August 2016, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots, and lower average densities compared to the Hanley Downs Residential Activity Areas.	JP remains a lower density environment with pleasant suburban amenity, JP design process remains intact and adhered to.	41.5.1.12 41.8 (plant list)
41. 2.1 .11 Enable medium density housing development within the established Jacks Point Residential Activity Areas (R(JP)) subject to the scale and form of built development being appropriate to the character of the Activity Area.	Some medium density development has been achieved in residential areas of the Jacks Point zone.	
41.2.1.12 Recognise the (Hanley Downs) Residential	Hanley Downs is developed at a greater density than other parts of the developed zone, the housing form	

Activity Areas (R(HD)) as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.	remains predominantly family homes, many also have residential flats.	
41.2.1.13 Apply residential development controls to protect privacy and amenity, provide access to sunlight, to achieve design cohesion, and to provide appropriate opportunities outdoor living, consistent with the residential density anticipated in that Activity Area.	Residential design controls are applied throughout the zone.	
41.2.1.14 Enable commercial activities on primary roads within the Hanley Downs Residential Activity Areas (R(HD)) of a scale limited to servicing the needs of the local community.	Limited small scale commercial activity is established within Hanleys Farm through resource consents as discussed in commercial section.	
41.2.1.15 Provide for predominantly low density residential development in the Residential - State Highway Activity Areas ((R(HD-SH) and (R(JP-SH)), and appropriately mitigated through landscaping and the provision of open space.	There is limited low density development as set out in the State Highway activity areas.	
Findings – Res provisions Overall the Zone-wide policies and rules function to carve out the approach and style for the zone at large, with allowances for more densities in the Hanley Downs residential area.		

Village Policies	Efficiency and effectiveness discussion / tests
41.2.1.17 a. Enable the Jacks Point Village Activity Area (V(JP)) to develop as the vibrant mixed use hub of the Jacks Point Zone, comprising a range of activities including: i. high and medium density residential housing; ii. a small local shopping centre that services the needs of Jacks Point residents and provides for small scale destination shopping and office space; iii. visitor accommodation, residential visitor accommodation and homestay; iv. education facilities, community activities, healthcare, and commercial recreation activities; v. technology and innovation-based business. b. Enable the Homestead Bay Village Activity Area (V(HB) to develop as a secondary commercial and mixed use centre supporting aquatic activities and the needs of residential activity around Homestead Bay	Limb a: JP Village is partially developed, with some medium density housing along with a restaurant built. Additional medium density housing with small scale commercial is being constructed currently. Changes in the zone through s293 process discussed earlier mean aspects of this policy are unlikely to be realised (an MOE school). Other activities remain aspirations such as the technology and innovation based businesses. Limb B: unrealised (no infrastructure)
41.2.1.18 Enable commercial and community activities and visitor accommodation in the Jacks Point Village (V(JP) and Homestead Bay Village (V(HB)) Activity Areas, provided residential amenity, health, and safety are protected or enhanced through: a. compatible hours of operation and noise; b. a high standard of building design; c. the location and provision of open space, buffers and setbacks; d. appropriate landscape mitigation; e. efficient design of vehicle access and car parking; and	Limited development of the JP village has been completed, what does exist is aligned with outcomes sought

f. an appropriate scale of activity, and form of building development.	
41.2.1.19 Encourage high quality urban design throughout the Jacks Point Village (V(JP) and Homestead Bay Village (V(HB)) Activity Areas by: a. requiring all subdivision and development to be in accordance with a Comprehensive Development Plan incorporated in the District Plan (Schedule 41.9), which shall establish an integrated and coordinated layout of open space; built form; roading patterns; pedestrian, cycle access, and carparking; the land uses enabled within the buildings; streetscape design; design controls in relation to buildings and open space; and an appropriate legal mechanism to ensure their implementation; b. requiring the street and block layouts and the bulk, location, and design of buildings to minimise the shading of public spaces and to avoid the creation of wind tunnels; c. encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and d. encouraging the incorporation of parapets, corner features for landmark sites, and other design elements in order to achieve a positive design outcome and providing for a 3 storey building height in the Jacks Point Village Activity Area and 2 storey commercial building height in the Homestead Bay Village Activity Area.	Not yest tested or realised, Comprehensive Development Plan incorporated in 2022.
Findings: Not yet tested or realised, Comprehensive Development Plan incorporated in 2022.	

Open Space policies and rules	Efficiency and effectiveness discussion / tests
41.2.1.20 Recognise the important contribution that the open space areas that adjoin the residential and village areas make to the identity, character, amenity, and outlook of the Jacks Point Zone for residents and visitors.	Open space areas are evident through the zone, Consents in the Open space areas are of limited scale and intensity.
41.2.1.21 Avoid all buildings in the Open Space Golf (OSG) and Open Space Residential Amenity (OSA) Activity Areas, other than ancillary small scale recreational buildings that are of a design that is sympathetic to the landscape. The "small scale" restriction does not apply to a single clubhouse or golf cart storage facility associated with the existing 18 hole Jacks Point golf course, that are located within the OSG Activity Area where it is not overlaid by the Tablelands Landscape Protection Area.	Consents in the Open space areas are of limited scale and intensity.
41.2.1.22 Provide for farming and associated activities, while ensuring that the scale of building and other development associated with those activities does not result in over-domestication of the landscape.	Farming is continuing to occur in rural areas within the zone.
41.2.1.23 Enable mining activities within the Open Space Golf (OSG) Activity Area for the development of the Jacks Point Zone provided the adverse environmental effects of the activity are managed.	-
41.2.1.24 Provide for local biodiversity through: a. the protection and enhancement of existing ecological values, in a holistic manner b. reduction in grazing around wetland areas; and c. the provision of links between grey shrublands, wetlands and the lakeshore escarpment, including indigenous	Overall the zone does maintain indigenous biodiversity well for a non-expert viewer, and the effort to choose location appropriate planting is clear in the zone. However ecological reporting completed 2024 demonstrated that ecological value across the JPZ is degraded in some respects. Provisions which provide for

vegetation links between Activity Areas where appropriate.	ecological outcomes are variably enforced, in the tablelands some consents have whittled away at the strength of the initial consent condition being applied.
41.2.1.25 Ensure that development within the ecologically sensitive areas of the zone results in a net environmental gain.	See previous comment.
41.2.1.26 Ensure that subdivision, development and ancillary activities within the Tablelands Landscape Protection Area maintain the character of the landscape	See previous comment
41.2.1.27 Ensure substantial native revegetation of the gully within the Open Space Foreshore (OSF) Activity Area within Homestead Bay and the Homesite (HS) Activity Areas.	HS consents include revegetation consent conditions. The OSF area is yet to be developed.
41.2.1.28 Ensure that use and development within Homesites HS38 to HS56 and any adjoining area of OSL or OSG, maintains and enhances the indigenous biodiversity, ecological values landscape character, and visual amenity values of these Homesites and this part of the Tablelands Landscape Protection Area through the implementation of a Vegetation Management Strategy.	RM050852 established subdivision for the homesites in 2006, a consent condition applied required *" 3,000m2 or 20% native revegetation (whichever is the greater) of the site, prior to the erection of any building on the site. "* Enforcement of this condition has been variable in consents files.
41.2.1.29 Encourage native planting of the Open Space Activity Areas (OSF, OSL and OSG).	Establishment of native planting is evident through consents files and site visits.
41.2.1.30 Provide for the development of lakeside activities and low density residential development in the Homestead Bay area, in a manner which complements and enhances amenity values.	Not yet tested or realised
Findings – open space Consent conditions often play a part to ensure realisation of policies. Ongoing effectiveness of the ecological rules are variable by location within the zone as time has passed.	