

Appendix A - Relief sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 3 Strategic Direction		
<p>Strategic objective 3.2.1.5</p> <p>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.</p>	<p>The objective is inconsistent with the specific purpose of the Jacks Point Village and other non-residential activity areas for this objective to refer only to "sustaining" the local service and employment functions of area outside of Queenstown and Wanaka town centres, Frankton and Three Parks, when the Jacks Point Village and other non-residential activity areas are yet to be developed.</p> <p>The objective should ensure the recognition and development of the provision of such services outside of the identified areas, and their extension where this is not currently completed rather than sustaining existing levels of service. If the objective is not to be amended in this way, then the Appellant seeks specific inclusion of Jacks Point in the list of inclusionary commercial centres.</p>	<p>Amend objective 3.2.1.5 as follows:</p> <p>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained <u>and enhanced</u>.</p>
<p>New objective 3.2.1.x</p>	<p>The Appellant seeks recognition of the Jacks Point Village specifically as a key contributor to SO 3.2.1 (development of a prosperous, resilient and equitable economy in the District). The JPZ commercial and mixed-use areas are also comparable in terms of size and contribution of employment to Three Parks in</p>	<p>Add new strategic objective 3.2.1.x as follows:</p> <p><u>3.2.x The key functions of the Jacks Point Village and Education Innovation Campus provides for a mixed-use hub</u></p>

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<p>Strategic objective 3.2.2.1.(e)</p> <p>Protect the District's rural landscapes from sporadic and sprawling development.</p>	<p>Wanaka.</p> <p>The sub para (e) reference to "sporadic and sprawling development" is uncertain.</p>	<p>Amend 3.2.2.1.(e) as follows:</p> <p>Protect the District's rural landscapes from <u>urban sprawl</u> sporadic and sprawling development.</p>
<p>Strategic objective 3.2.2.1(h)</p> <p>h. be integrated with existing, and planned future, infrastructure</p>	<p>Sub para (h) currently ensures urban development occurs so as to 'be integrated with existing and planned future infrastructure'. This could pose a risk to infrastructure which is private and what the interpretation of 'planned future' infrastructure will be.</p>	<p>Amend objective 3.2.2.1(h) as follows:</p> <p><u>be coordinated with the design and development of infrastructure growth and redevelopment planning</u></p>
<p>New Strategic objective 3.2.3</p>	<p>This is a sound objective however is only supported by recognition of historic heritage values. This should also recognise the importance of quality urban design and development which provides for an integrated built form reflecting the surrounding environment.</p>	<p>Include new SO 3.2.3.2 as follows:</p> <p><u>Built form expresses the individual character and values of those communities and integrates well with its surrounding environment by quality urban design planning</u></p>
<p>New strategic policy 3.3.x</p>	<p>Seek recognition of Jacks Point Village specifically as a key contributor to SO 3.2.1 (development of a prosperous, resilient and equitable economy in the District), also comparable in terms of</p>	<p>Include new strategic policy 3.3.x as follows:</p> <p><u>3.3.x Provide a planning framework for the mixed use community Jacks Point Village which contributes to the vibrant mixed use</u></p>

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<p>Strategic policy 3.3.10</p> <p>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton, and Three Parks fulfil. (relevant to S.O. 3.2.1.5)</p>	<p>contribution of employment to commercial three parks</p> <p>This policy should be amended to include recognition of the mixed-use hub of the JPZ Village. There is no justification for distinction between the protection of the Village at the higher order, as compared to Three Parks.</p>	<p><u>hub of the Jacks Point Zone. (relates to SO 3.2.1.x)</u></p> <p>Amend strategic policy 3.3.10 as follows</p> <p>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton, <u>Jacks Point Village</u> and Three Parks fulfil. (relevant to S.O. 3.2.1.5)</p>
<p>Chapter 6 Landscapes</p>		
<p>Policy 6.3.3</p> <p>Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).</p>	<p>The Appellants seek clarification that landscape categories do not apply to RR, RLZ, and special zones as those are areas which have been identified as suitable for further development. Clarify whether 'special zones' is useful terminology (i.e. it is currently unclear whether this covers Jacks Point).</p>	<p>Amend policy 6.3.3 as follows:</p> <p>Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones, <u>and Jacks Point Zone</u> within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).</p>
<p>Chapter 41 Jacks Point</p>		

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41.2 Objective and Policies		
<p>Policy 41.2.1.1</p> <p>41.2.1.1 Require activities to be located in accordance with the a Structure Plan (41.7) to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account:</p> <p>a. integration of activities;</p> <p>b. landscape and amenity values;</p> <p>c. road, open space and trail networks;</p> <p>d. visibility from State Highway 6 and from Lake Wakatipu.</p>	<p>The function of the Structure Plan has been strengthened by ‘requiring’ activities to be located in accordance with the Structure Plan (Policy 41.2.1.1). The status of a breach of the structure plan rules is now a discretionary activity (was non-complying under the Operative District Plan (ODP)), and the strength of this change to the policy does not align with the status of activities under the Structure Plan rule.</p>	<p>Amend the wording of Policy 41.2.1.1 such that it does not “require” activities to be located in accordance with the structure plan and appropriately aligns with the discretionary activity status for any breach of the Structure Plan (Rule 41.5.5.1).</p> <p>In the alternative, seek the following amendment to Policy 41.2.1.1:</p> <p><i>“Require activities to be located in accordance with the <u>Establish a Structure Plan (41.7) to establish manage</u> the spatial layout of development within the zone ...”</i></p>
<p>Policy 41.2.1.18</p> <p>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:</p>	<p>Chapter 41 as notified included Policy 41.2.1.19, which enabled commercial, community and visitor activities provided that residential amenity and health and safety was protected or enhanced.</p> <p>The council’s decision has constrained this policy such that it only applies to the Village Activity Areas (rather than the Jacks Point</p>	<p>Amend Policy 41.2.1.18 (and/or the provisions of Chapter 41) to enable commercial, community and visitor accommodation activities in the residential activity areas provided that residential amenity and health and safety is protected or enhanced.</p> <p>In the alternative reinstate Policy 41.2.1.21 as sought at the</p>

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<p>a. compatible hours of operation and noise;</p> <p>b. a high standard of building design;</p> <p>c. the location and provision of open space, buffers and setbacks;</p> <p>d. appropriate landscape mitigation;</p> <p>e. efficient design of vehicle access and car parking; and</p> <p>f. an appropriate scale of activity, and form of building development.</p>	<p>Zone generally.) This results in two issues:</p> <ol style="list-style-type: none"> 1. There is no longer policy support for the provision of commercial, community and visitor accommodation activities within the Residential Hanley Downs Activity Areas; and 2. The resultant policy does not align with the intent to provide for commercial and community activities as permitted activities in the Jacks Point Village (subject to compliance with the CDP mechanism). Transposing this policy with all the qualifications relevant for the residential areas of Hanley Downs is not necessary, nor supported by the rules for the Village Activity Areas. 	<p>Commissioner hearing, as set out in Appendix C.</p>
<p>Policy 41.2.1.19</p> <p><i>Encourage high quality urban design throughout the Jacks Point Village (V(JP) and Homestead Bay Village (V(HB)) Activity Areas by:</i></p> <p>a. <i>requiring all subdivision and development to be in accordance with a Comprehensive Development Plan incorporated in the District Plan, which shall establish an integrated and coordinated layout of open space;</i></p>	<p>Policy 41.2.1.19 is one of a series of provisions in Chapter 41 that relate to the Comprehensive Development Plan mechanism. The provisions collectively require any such Comprehensive Development Plan to be incorporated into the District Plan, noting no such Plan has been incorporated in the Council's decision on the District Plan. A plan change would be required to incorporate any such Plan into the District Plan.</p> <p>The Comprehensive Development Plan mechanism was proposed by the Jacks Point entities in order to provide a tool for managing</p>	<p>Along with any other consequential amendments to related provisions in Chapter 41, amend Policy 41.2.1.19 to:</p> <ul style="list-style-type: none"> - Remove the expectation that any Comprehensive Development Plan prepared for the Villages shall be incorporated into the District Plan, and are instead provided for via the resource consent process; - Remove the expectation that any Comprehensive Development Plan prepared for the Villages shall consider land uses within buildings; and design

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<p><i>built form; roading patterns; pedestrian, cycle access, and carparking; the landuses enabled within the buildings; streetscape design; design controls in relation to buildings and open space; and an appropriate legal mechanism to ensure their implementation;</i></p> <p><i>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;</i></p> <p><i>c. encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and</i></p> <p><i>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</i></p>	<p>the spatial planning outcomes or the Jacks Point Village, including integration with the surrounding activity areas and open space.</p> <p>The provisions collectively:</p> <ul style="list-style-type: none"> - Required a CDP to be provided as an information requirement to support the establishment of any commercial, community, residential, or visitor accommodation activity in the Jacks Point Village; - Provided for the use or development of land in accordance with the CDP issued as part of a consent granted under the rule above as a permitted activity; and - Restricted development that was not in accordance with that CDP (or proposed to occur prior to the approval of the CDP). 	<p>controls in relation to open space.</p> <p>In the alternative reinstate all relevant provisions in Appendix C that relate to the Comprehensive Development Plan mechanism.</p>

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<p>Policy 41.2.1.20</p> <p><i>Enable the development of education and associated activities and day care facilities within the Education Activity (E) Area, subject to achieving a high standard of urban design</i></p>	<p>The outcomes sought for the Structure Plan as part of this appeal are to expand the Village Activity Area over the golf driving and the area identified within the Councils decision as Education Activity Area. Accordingly, as there is no other areas of Education Activity area, this policy would be made redundant.</p>	<p>Delete Policy 41.2.1.20</p>
<p>Policy 41.2.1.22</p> <p><i>Avoid all buildings in the Open Space Golf (OSG) and Open Space Residential Amenity (OSA) Activity Areas other than ancillary small scale recreational buildings on the same site as the activity it is ancillary to, and that are of a design that is sympathetic to the landscape.</i></p>	<p>“Avoid” is a strong policy directive for such a landscape and is potentially counterproductive for the intended recreational use of the area. It is noted that the related rules that manage the establishment of buildings in the OSG and OSA Activity Areas state that buildings are a discretionary activity (except those that are either administrative offices (in the case of the OSG Activity Area) or buildings ancillary to outdoor recreation activity. This does not align well with the use of ‘avoid’ in Policy 41.2.1.22 and the policy should be amended to align with the discretionary activity status.</p>	<p>Amend Policy 41.2.1.22 to delete the word ‘avoid’ at the commencement of the policy and replace it with a word that more appropriately aligns with the attendant discretionary activity status in related rules in Chapter 41.</p>
<p>Policy 41.2.1.24</p> <p><i>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</i></p>	<p>The Jacks Point entities sought that the mining of rock and aggregate and/or gravel for use in the JPZ was provided for as a restricted discretionary activity within any Open Space Activity Area; and that mining in the rest of the Jacks Point Zone was a non-complying activity.</p>	<p>Amend Policy 41.2.1.24 such that it enables mining activities which contribute to the development of the Jacks Point Zone throughout the Jacks Point Zone, subject to managing adverse environmental effects.</p> <p>In the alternative reinstate Policy 41.2.1.11 as set out in</p>

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<i>managed</i>	<p>However the Council's decision on Chapter 41 (also addressed later in this table in relation to rules) is that mining has been 'constrained' just to the Open Space Golf Activity Area.</p> <p>'Mining' is currently undertaken within the Open Space Golf activity area, mainly through the extraction of rock material used by Jacks Point in landscaping and building. This location may need to change depending on the continued availability of resource from that location, and this should be anticipated and provided for in Chapter 41.</p>	Appendix C.
<p>Policy 41.2.1.28</p> <p><i>Ensure substantial native revegetation of the gully within the lake foreshore and Homesite (HS) Activity Areas which lie within the Tablelands Landscape Protection Area and encourage native planting of the Open Space Activity Areas (OSF, OSL and OSG) within Homestead Bay.</i></p>	<p>The wording of this policy is focussed on ensuring 'substantial native revegetation' of the <i>gully</i> within the lake foreshore, as opposed to the lake foreshore generally.</p> <p>The policy supported by Jacks Point entities in the hearing focussed attention to the lake foreshore and open spaces within Homestead Bay, with the changes in the decision version making it unclear whether the gully within the lake foreshore is in fact located within Homestead Bay.</p> <p>Secondly, there are two distinct components to this policy; the first part seeks to <i>ensure</i> substantial native revegetation in the lake foreshore gully and homesite activity areas, whereas the second inserted part of the policy seeks to <i>encourage</i> native planting of</p>	<p>Amend Policy 41.2.1.28 so that the focus of gully revegetation within the foreshore is within Homestead Bay (as opposed to the lake foreshore generally).</p> <p>Amend Policy 41.2.1.28 to remove the second component of the policy (that seeks to encourage native planting of the Open Space Activity Areas OSF, OSL and OSG) and create a new standalone policy, and that it is not constrained only to Homestead Bay, but across these Activity Areas generally.</p>

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	<p>the OSF, OSL and OSG activity areas in Homestead Bay.</p> <p>The rules that appear to give effect to this policy are those that provide for 'indigenous revegetation', 'endemic revegetation' and 'regeneration of native species' as permitted activities in the OSG, OSL and OSF Activity Areas respectively. The second component of this policy should be separated into a new standalone policy. The rules are not constrained to Homestead Bay only, so the new policy should not be constrained to Homestead Bay.</p>	
<p>New Policy – 41.2.1.X</p>	<p>The Jacks Point entities are appealing the Council's decision on Chapter 41 and seeking the reinstatement of Homesites 36, 37, 39, 40, 57 and 58.</p> <p>Associated with this point, the Jacks Point entities sought that a policy was incorporated in Chapter 41 that sought to protect the character of the Peninsula Hill landscape, but also to enable the use of land in the identified homesites subject to managing certain effects. This policy was proposed in conjunction with the proposed Homesite 57 and 58.</p> <p>In the absence of this policy, policy support in Chapter 41 has been modified to relate to the open space areas more generally and not the protection of the Peninsula Hill LPA. This weakens</p>	<p>Insert a new policy seeking to protect the Peninsula Hill outstanding natural landscape from inappropriate subdivision, use or development through avoidance of development within the Landscape Protection Area, enabling of development within the discrete homesites.</p> <p>In the alternate reinstate Policy 41.2.1.16 in Appendix C (along with any consequential changes that are necessary to ensure consistency and compatibility with other provisions in Chapter 41 and/or the District Plan generally).</p>

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	protection of the values of the ONL. In addition, there is no policy support for the homesites or their intended use in the absence of this policy	
Table 1 Activities Located in the Jacks Point Zone		
41.4.1 Residential Activity (R) Areas and the Rural Living Activity Area		
<p>Rural Living (RL) Activity Area - Activity Rule 41.4.1.3</p> <p><i>Residential activities.</i></p> <p>Controlled activity</p>	<p>The Council's decision replaced the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas sought by the Jacks Point entities through the hearing with the Rural Living Activity Areas.</p> <p>As set out elsewhere in this appeal, the Jacks Point entities are appealing the removal of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas and seek that they are reinstated.</p> <p>Activity Rule 41.4.1.3 provides for residential activity as a controlled activity. As alternative relief to the reinstatement of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas (and their attendant provisions), the Jacks Point entities consider that residential activity in the Rural Living Activity Areas should be a permitted, rather than a controlled, activity.</p>	<p>As alternative relief to the reinstatement of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas and their attendant provisions set out in Appendix 1, amend Activity Rule 41.4.1.3 to provide for residential activity as a permitted activity in the Rural Living Activity Areas, rather than as a controlled activity.</p>
Residential Activity Areas R(HD) A – E, R(HD-SH) 1, and	Policy 41.2.1.12 appropriately recognises that the Hanley Downs residential activity areas are appropriate to accommodate	Amend Activity Rule 41.4.1.5 such that medium density residential activity is provided for as a controlled activity in the

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<p>R(HD-SH)-3 - Activity Rule 41.4.1.5</p> <p><i>Any residential activity which results in either:</i></p> <p><i>a. three or more attached residential units; or</i></p> <p><i>b. a density of more than one residential unit per 380 m2 of net site area.</i></p> <p>Restricted discretionary activity</p>	<p>residential development at a greater scale and intensity than elsewhere in the zone.</p> <p>Activity Rule 41.4.1.5 provides for medium residential development in these areas as a restricted discretionary activity. Given the policy support for higher density development in these activity areas, controlled activity status is more appropriate.</p>	<p>Hanley Downs Activity areas (rather than a restricted discretionary activity).</p> <p>In addition, amend this rule such that it refers to both the R(HD-SH) 2 area (currently missing) and to retain reference to the R(HD-SH) 3 area (excluded from the Structure Plan in the Council's decision, but sought to be retained through this appeal).</p>
<p>Residential R(JP) 1 - 3 and R(JP-SH) 4 Activity Areas – Activity Rule 41.4.1.6</p> <p><i>Any residential activity which results in either:</i></p> <p><i>a. three or more attached residential units; or</i></p> <p><i>b. a density of more than one residential unit per 380 m2 of net site area.</i></p> <p>Restricted discretionary activity</p>	<p>Chapter 41 as notified provided for medium density residential development in the R(JP) 1-3 and R(JP-SH)-4 activity areas as a restricted discretionary activity. This has been carried over in the Council's decision via Activity Rule 41.4.1.6.</p> <p>However Rule 41.4.6.3 provided an exemption for the medium density rule for single residential units on any site contained in a separate computer freehold register; or residential units located on sites smaller than 550m² created pursuant to subdivision.</p> <p>This exemption (as notified) has not been carried over in the Council's decision and is considered to be an important provision to retain in Chapter 41.</p>	<p>Amend Activity Rule 41.4.1.6 such that the restricted discretionary activity status for medium density residential development in the R(JP) 1-3 and R(JP-SH) 4 Activity Areas will not to apply to single residential units on site that has a title, or residential units on sites smaller than 550m2 created pursuant to subdivision</p> <p>In the alternative, reinstate Rule 41.4.7.3 in Appendix C.</p>

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Table 2 Activities Located in the Jacks Point Zone – Village and Education Activity Areas		
41.4.2 Village and Education (V), V(HB) and (E) Activity Areas		
<p>Activity Rule 41.4.2.1</p> <p><i>Any commercial, community, residential or visitor accommodation activity within the Jacks Point (V) or Homestead Bay (HB) Village Activity Areas, including the addition, alteration or construction of associated buildings, provided the application is in accordance with a Comprehensive Development Plan incorporated in the District Plan, which applies to the whole of the relevant Village Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered</i></p> <p>Controlled activity</p>	<p>The Council's decision has incorporated two distinct 'elements' into Activity Rule 41.4.2.1; the types of activities provided for in the Village Activity Area, and the Comprehensive Development Plan mechanism.</p> <p>Activity Rule 41.4.2.1 is one of two provisions in Chapter 41 that relate to the Comprehensive Development Plan mechanism. The provisions collectively require any such Comprehensive Development Plan to be incorporated into the District Plan, noting no such Plan has been incorporated in the Council's decision on the District Plan. A plan change would be required to incorporate any such Plan into the District Plan.</p> <p>The Comprehensive Development Plan mechanism was proposed by the Jacks Point entities in order to provide a tool for managing the spatial planning outcomes or the Jacks Point Village, including integration with the surrounding activity areas and open space.</p> <p>The provisions collectively should be amended so as to:</p> <ul style="list-style-type: none"> - Require a CDP to be provided as an information 	<p>Along with any other consequential amendments to related provisions in Chapter 41, amend activity rule 41.4.2.1 such that the Comprehensive Development Plan mechanism reflects the approach set out in Appendix C, with the actual plans relating to the Comprehensive Development Plan not being required to be incorporated into the District Plan. In particular:</p> <ul style="list-style-type: none"> - Require a CDP to be provided as an information requirement to support the establishment of any commercial, community, residential, or visitor accommodation activity in the Jacks Point Village; - Provide for the use or development of land in accordance with the CDP issued as part of a consent granted under the rule above as a permitted activity; and <p>Restrict development that is not in accordance with that CDP (or proposed to occur prior to the approval of the CDP).</p> <p>In the alternative reinstate all relevant provisions in Appendix C</p>

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	<p>requirement to support the establishment of any commercial, community, residential, or visitor accommodation activity in the Jacks Point Village;</p> <ul style="list-style-type: none"> - Provide for the use or development of land in accordance with the CDP issued as part of a consent granted under the rule above as a permitted activity; and - Restrict development that is not in accordance with that CDP (or proposed to occur prior to the approval of the CDP). 	<p>that relate to the Comprehensive Development Plan mechanism.</p> <p>The relief sought relates also to re-classification of the Education activity area into the Jacks Point Village Activity Area, as set out in Appendix C.</p>
<p>Activity Rule 41.4.2.2</p> <p><i>Educational and Day Care Facilities.</i></p> <p>Controlled activity</p>	<p>The matters of control for Rule 41.4.2.2 include a reference to 'outdoor living space', which is generally associated with residential, rather than educational, activities.</p> <p>This would more appropriately be amended to 'provision of outdoor space'.</p> <p>However this rule becomes redundant if the relief sought changing E to V is given effect to</p>	<p>Delete Activity Rule 41.4.2.2</p> <p>In the alternative amend Activity Rule 41.4.2.2 such that matter of control (d) is amended to refer to 'provision of outdoor space', rather than 'outdoor living space'.</p>
<p>Table 3 Activities Located in the Jacks Point Zone – Lodge Activity Areas</p>		
<p>Lodge Activity Area (L) – Activity rule 41.4.3.1</p>	<p>The Council's decision has inserted an additional Lodge Activity Area 3 on the structure plan. It is understood that the use of this</p>	<p>Amend L(3) on Structure Plan to L(P)</p>

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<p><i>Visitor accommodation activities, restaurants, and conference facilities.</i></p> <p>Discretionary activity</p>	<p>area was intended to be restricted to parking, but none of the policies, activity rules or activity standards place this type of limitation on this particular activity area.</p> <p>There is no standard restricting the use of the Lodge 3 Activity Area to car parking as opposed to visitor accommodation generally, and this seems a critical omission. The proximity of the new Lodge 3 Activity Area to the Village without such a restriction has the potential to further undermine the role of the Village.</p>	<p>Amend Chapter 41 (which may include amendments to to ensure that the use of Lodge Activity Area 3 is limited only to car parking as follows:</p> <p>Amend Chapter 41 (which may include amendments to Activity Rule 41.4.3.1 and the Structure Plan) to ensure that the use of Lodge (P) Activity Area is limited only to car parking, as follows.</p> <p>41.4.3.1 Visitor accommodations activities, restaurants and conferences facilities within L(1) and (L2)</p> <p>41.4.3.2 Parking associated with visitor accommodation activities within L(P)</p> <p>Failure to comply with 41.3.4.2 is discretionary.</p>

Table 4 Activities Located in the Jacks Point Zone – Open Space and Homesite Activity Areas

41.4.4 Open Space (OS) and Homesite (HS) Activity Areas

<p>Open Space Golf (OSG) Activity Area – Activity Rule 41.4.4.1</p> <p><i>Indigenous revegetation and outdoor recreation activities,</i></p>	<p>The Jacks Point entities sought that this activity rule also provided for mining and any utilities, infrastructure and vehicle access related to other activities anticipated by the Zone. Such activities are considered to result in negligible effect and because of the</p>	<p>Amend Activity rule 41.4.4.1 (or the provisions of Chapter 41 generally) to provide for mining, utilities, infrastructure and vehicle access related to other activities anticipated by the Zone</p>
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<p><i>including the development and operation of golf courses, associated earthworks, green keeping, driving range, administrative offices associated with golf, sales, and commercial instruction.</i></p> <p>Permitted activity</p>	<p>design of the open space areas around the nodes of residential and village, are likely to provide routes for utilities, access and infrastructure. The proposed changes further limit such activities in a way that are related to other activities anticipated within the Zone and not to provide for stand-alone utility infrastructure</p>	<p>within the Open Space Golf Activity Area as a permitted activity.</p>
<p>Open Space Golf (OSG) Activity Area – Activity Rule 41.4.4.3</p> <p><i>Any buildings within a Landscape Protection Area, or any buildings other than administrative offices and buildings ancillary to outdoor recreation activity; and any activities other than those specified under Rules 41.4.4.2 and 41.4.4.4.</i></p> <p>Discretionary activity</p>	<p>The ‘catch all’ part of this rule only refers to activities specified under Rules 41.4.4.2 and 41.4.4.4 as not being ‘caught’ under the discretionary activity status for activities not otherwise provided for in those rules. For completeness this activity rule should also refer to those activities that are permitted as not being ‘caught’ by this rule.</p>	<p>Amend Activity rule 41.4.4.3 so that it also refers to activities under Activity Rule 41.4.4.1 as not being caught under this rule.</p> <p><i>“... and any activities other than those specified under Rules <u>41.4.4.1</u>, 41.4.4.2 and 41.4.4.4.”</i></p>
<p>Open Space Golf (OSG) Activity Area – Activity Rule 41.4.4.4</p> <p><i>The mining of rock and aggregate and/or gravel for use anywhere within the Jacks Point Zone</i></p> <p>Discretionary activity</p>	<p>The Jacks Point entities sought that the mining of rock and aggregate and/or gravel for use in the JPZ was provided for as a restricted discretionary activity within any Open Space Activity Area; and that mining in the rest of the Jacks Point Zone was a non-complying activity.</p> <p>However the Council's decision on Chapter 41 (also addressed</p>	<p>Amend Activity Rule 41.4.4.4 to enable mining of rock and aggregate and/or gravel for use anywhere in the Jacks Point Zone as a restricted discretionary activity in any Open Space Activity Area (not just the Open Space Golf Activity Area).</p> <p>In the alternative, reinstate the provisions that related to mining in Appendix 1.</p>

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	<p>later in this table in relation to rules) is that mining has been 'constrained' just to the Open Space Golf Activity Area (as a discretionary activity).</p> <p>'Mining' is currently undertaken within the Open Space Golf activity area mainly through the extraction of rock material used by Jacks Point in landscaping and building. This location may need to change depending on the continued availability of resource from that location, and this should be anticipated and provided for in Chapter 41.</p>	
<p>Open Space Landscape (OSL) Activity Area – Activity Rule 41.4.4.5</p> <p><i>Pastoral and arable farming, endemic revegetation, and pedestrian and cycle trails</i></p> <p>Permitted activity</p>	<p>The Jacks Point entities sought that a range of other activities were also provided for as a permitted activity in the Open Space Landscape Activity Area as the OSL occupies a large part of the Jacks Point Zone, including on land surrounding key residential activity nodes. Through this spatial layout, it is expected and desirable for the District Plan to provide a basis for the management of that land i.e. farming or outdoor recreation, and for the establishment of utility infrastructure. Jacks Point currently relies on a network private wastewater treatment and disposal plants and disposal fields located within the open space land around the residential pods with many being located within the OSL activity area. It is critical for the continued management of this</p>	<p>Amend Activity Rule 41.4.4.5 (or the provisions of Chapter 41 generally) to provide for farm buildings, fencing, mining, outdoor recreation activities, utilities, infrastructure, farm access tracks, and vehicle access related to other activities anticipated by the Zone as permitted activities within the Open Space Landscape Activity Area.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>part of the land resource for the District Plan to appropriately recognise and provide for the following activities within the OSL activity area:</p> <ul style="list-style-type: none"> - Farm buildings - Fencing - Mining - Outdoor recreation activities - Utilities and infrastructure - Farm access tracks - Vehicle access related to other activities anticipated by the Zone 	
<p>Open Space Landscape (OSL) Activity Area – Activity Rule 41.4.4.6</p> <p><i>Any building within a Landscape Protection Area, or any building other than ancillary to farming activity.</i></p> <p>Discretionary activity</p>	<p>As a related point to the relief sought above in respect of rule 41.4.4.5, and in particular seeking to provide for outdoor recreation as a permitted activity in the Open Space Landscape Activity Area, it is important that any buildings associated with recreation activities are also a controlled activity.</p>	<p>Amend Activity Rule 41.4.4.6 to provide for buildings ancillary to outdoor recreation activities or building ancillary to any utility as being exempt from this rule (and instead provided for as a controlled activity pursuant to Activity Rule 41.4.4.7 (see below)).</p>
<p>Open Space Landscape (OSL) Activity Area – Activity Rule</p>	<p>As set out above, consequential to relief sought to provide for outdoor recreation activities as a permitted activity in the Open</p>	<p>Amend Activity Rule 41.4.4.7 to provide for buildings ancillary to outdoor recreation activities as a controlled activity, as well as</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>41.4.4.7</p> <p><i>Any farm building other than within a Landscape Protection Area. Control is reserved to:</i></p> <ul style="list-style-type: none"> <i>a. the external appearance of buildings with respect to the effect on visual and landscape values of the area;</i> <i>b. the adequacy of Infrastructure and servicing;</i> <i>c. the effects of associated earthworks and landscaping;</i> <i>d. access and parking provision;</i> <i>e. the bulk and location of buildings;</i> <i>f. the effects of exterior lighting</i> <p>Controlled activity</p>	<p>Space Landscape Activity Area, it is important that any buildings associated with recreation activities are also a controlled activity.</p>	<p>farm buildings, except where they are located in a Landscape Protection Area.</p> <p>In the alternative, and noting the relief sought in relation to Activity Rule 41.4.4.5 above, amend Activity Rule 41.4.4.7 to provide for any buildings ancillary to the permitted activities set out in Activity Rule 41.4.4.5 as a controlled activity.</p>
<p>Open Space Residential Amenity (OSA) Activity Area – Activity Rule 41.4.4.8</p> <p><i>Any buildings within the Highway Landscape Protection Area</i></p> <p>Permitted activity</p>	<p>This rule is inconsistent with the management regime for buildings within the OSA given that buildings ancillary to outdoor recreation activities are a controlled activity (Rule 41.4.4.10), and all other buildings are a discretionary activity (Rule 41.4.4.11).</p>	<p>Delete Activity Rule 41.4.4.8</p>
<p>Open Space Residential Amenity (OSA) Activity Area – Activity Rule 41.4.4.10</p>	<p>Activity Rule 41.4.4.10 is considered appropriate to manage buildings ancillary to outdoor recreation activities in the Open</p>	<p>Amend Activity Rule 41.4.4.10 to provide for any buildings ancillary to the permitted activities set out in Activity Rule</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>Any buildings ancillary to outdoor recreation activity. Control is reserved to:</i></p> <ul style="list-style-type: none"> <i>a. the external appearance of buildings with respect to the effect on visual and landscape values of the area;</i> <i>b. the adequacy of Infrastructure and servicing;</i> <i>c. the effects of associated earthworks and landscaping;</i> <i>d. access and parking provision;</i> <i>e. the bulk and location of buildings;</i> <i>f. the effects of exterior lighting</i> <p>Controlled activity</p>	<p>Space Residential Amenity Activity Area (noting outdoor recreation activities are a permitted activity pursuant to Activity Rule 41.4.4.9).</p> <p>However, Activity Rule 41.4.4.9 also appropriately provides for playgrounds, stormwater retention, lighting and underground services as permitted activities. Some of these activities may include structures that fall under the definition of 'building' and should therefore also be provided for as a controlled activity given they are anticipated within this activity area.</p>	<p>41.4.4.9 as a controlled activity.</p>
<p>Open Space Wetland (OSW) Activity Area - Activity Rule 41.4.4.16</p> <p><i>Structures restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values.</i></p> <p>Discretionary activity</p>	<p>These activities should all be enabled within the wetland activity areas in order to support the protection and enhancement of biodiversity and ecological values.</p> <p>They were anticipated to be provided for within the Open Space Wetland Activity Area through Activity Rule 41.4.9.9 as notified, and supported in evidence on behalf of the Jacks Point entities.</p>	<p>Amend Activity Rule 41.4.4.16 to provide for these activities as a permitted, rather than discretionary, activity.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Homesite (HS) Activity Area - Activity Rule 41.4.4.17</p> <p><i>No more than one residential building located within a Homesite (HS) Activity Area</i></p> <p>Controlled activity</p>	<p>Chapter 41 as notified restricted the use of the Home Site activity areas to residential activities, with a maximum of one residential unit per Homesite activity area.</p> <p>The Jacks Point entities sought that in addition to this, that visitor accommodation was provided for within homesites 37 – 58 as a permitted activity.</p> <p>The Council's decision has 'increased' the activity status for residential activity within the Homesites from permitted to controlled, and has not provided for visitor accommodation. The preserve homesites are spread across the Tablelands overlay in locations appropriate to landscape values and absorption potential. The distances between each provides an ideal setting for visitor accommodation to occur with minimal adverse effects on the amenity values of the nearest residents. Located. The visitor industry is an important part of the Queenstown economy and these areas a considered to provide opportunities for a limited number of very high quality experiences set within the open space and golf course at Jacks Point.</p>	<p>Amend activity rule 41.4.4.17 (and/or the provisions of Chapter 41 generally) to</p> <ul style="list-style-type: none"> • provide for residential activity (including residential units) as a permitted activity within the Homesite Activity Areas at a density of one residential unit per Homesite Activity Area; • provide for visitor accommodation within Homesite Activity Areas 37 – 58 as a restricted discretionary activity; and • refer to 'residential activity' rather than 'residential building'
<p>Homesite (HS) Activity Area – new Activity Rule 41.4.4.X</p>	<p>The Jacks Point entities proposed a rule through the hearing that the construction of a building within a Homesite Activity Area should be a restricted discretionary activity where the requirement</p>	<p>Insert a new Activity Rule (or other such mechanism as considered appropriate) to ensure that the construction of any building on a Homesite, where a requirement to comply with the</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>to comply with the Preserve Design Guidelines had not been registered on the title for that site.</p> <p>This rule was proposed as an important component to enablement of residential activities and residential units within the home sites as a permitted activity. The design guidelines are an important process established through the covenants on the Jacks Point titles and provide a robust process for the consideration of the appropriateness of building not only within the Home Sites but also the Residential activity areas. In reliance on this established and very effective process, Jacks Point considers that controlled activity status for building in inefficient and not as effective (in a s32 sense) as the process administered by the Jacks Point Residents and Owners Association process and established through the covenants.</p>	<p>Preserve Design Guidelines has not been registered on the title for the Homesite, is a restricted discretionary activity.</p> <p>In the alternative, reinstate Rule 41.5.1.3 as set out in Appendix C</p>
<p>Homesite (HS) Activity Area – new Activity Rule 41.4.4.X</p>	<p>The Jacks Point entities are seeking the reinstatement of Homesites 57 and 58 as shown on the structure plan in Appendix 3.</p> <p>Given the landscape values associated with the location of these homesites, it is appropriate that the construction of buildings is provided for as a restricted discretionary, rather than permitted activity (as would otherwise be the case under Activity Rule</p>	<p>Insert a new Activity Rule in relation to the Homesite Activity Areas to state that the construction of buildings on Homesites 57 and 58 is a restricted discretionary activity.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	41.4.4.17 above).	
Table 5 – Activities Located in the Jacks Point Zone – Zone Wide Activities		
<p>Activity Rule 41.4.5.3 Informal Airports</p> <p>a. <i>emergency landings, rescues, firefighting and activities ancillary to farming activities;</i> (permitted)</p> <p>b. <i>informal Airports limited to the use of helicopters.</i> (discretionary)</p>	<p>Chapter 41 as notified had a rule that stated that 'Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities were a permitted activity.</p> <p>The Council's decision, as a result of the restructuring of Chapter 41 as perhaps inadvertently deleted the words 'informal airports for' from Activity Rule 41.4.5.3(a).</p> <p>The effect of this deletion could be that the activities listed are not construed to relate to the use of aircraft (taking a narrow reading of the rule). While the rule appears under the heading of informal airports, it should be amended for greater certainty.</p>	<p>Amend Activity rule 41.4.5.3(a) as follows:</p> <p><i>41.4.5.3 Informal Airports</i></p> <p>a. <u><i>Informal Airports for emergency landings, rescues, firefighting and activities ancillary to farming activities;</i></u></p>
41.5 Activity Standards		
Table 6 – Standards for activities located in the Jacks Point Zone – Residential Activity Areas		
<p>Activity Standard 41.5.1.1 Density</p> <p>Non-compliance status: Restricted discretionary</p>	<p>The Council's decision has resulted in a number of amendments to the average density levels set out in evidence by the Jacks Point entities in evidence. Certain activity areas that have not been provided for in the Structure Plan are also no longer provided for in</p>	<p>Amend Activity Standard 41.5.1.1 so that it provides for appropriate average density requirements throughout the residential activity areas in the Jacks Point Zone.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>this Activity Standard.</p> <p>This is problematic because variances to the density, including rounding to the nearest whole number, has implications for yield calculations and planning for the appropriate level of servicing infrastructure and access.</p>	<p>In the alternative, reinstate the density rule proposed in Appendix C.</p> <p><i>NB this appeal point also relates to the relief seeking to reinstate Activity Areas R(HD)-F, R(HD)-G and R(HD-SH)-3.</i></p>
<p>Activity Standard 41.5.1.4 Recession Planes</p> <p>Non-compliance status: Restricted discretionary</p>	<p>The Council's decision on this rule has resulted in the rule requiring two different requirements in relation to recession planes; a 2.5m and 45 degree recession plane, and an approach that recognises the orientation of the boundary to which it relates (north, south, or east/west). This appears to be a drafting error and requires correcting.</p> <p>In addition, amendments made to the exemptions for gables from this rule no longer include dormer windows, and are now also measured as a proportion of the protrusion rather than as a set dimension.</p>	<p>Amend Activity Standard 41.5.1.4 to:</p> <ol style="list-style-type: none"> 1. remove the requirement to comply with a 2.5m and 45 degree recession plane from all boundaries of a site; 2. provide an exemption from this activity standard for dormer windows (in addition to gable end roofs); and 3. amend the description of exemptions to this activity standard for gable end roofs and dormer windows such that these features are exempt where they are: <ol style="list-style-type: none"> a. no greater than 1m in height and width measured parallel to the nearest adjacent boundary; and b. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary. <p>In the alternative, replace Activity Standard 41.5.1.4 with Rule</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		41.5.13.4 set out in Appendix C .
<p>Activity Standard 41.5.1.5 Building Coverage</p> <p>Non-compliance status: Restricted discretionary</p>	<p>Activity Standard 41.5.15.2 as notified set a maximum building coverage of 50% for sites in the EIC and Hanley Downs Activity Areas.</p> <p>It made an exemption from this rule for medium density residential housing and provided for 70% building coverage in those instances.</p> <p>The Council's decision has not carried over this exemption. The Hanley Downs part of the Jacks Point zone is recognised through policies as being appropriate to accommodate greater density and through the rules related to medium density residential development, there is an appropriate framework to ensure the potential effects of greater building coverage are appropriate for any given site.</p>	<p>Amend Activity Standard 41.5.1.5 so that it provides a maximum building coverage of 70% for medium density residential development in the R(HD) and R(HD-SH) Activity Areas consented under either Activity Rule 41.4.1.5 or Rule 27.7.5.2 or 27.5.5.</p> <p>In the alternative, replace Activity Standard 41.5.1.5 with Rule 41.5.16.2 set out in Appendix C.</p>
<p>Activity Standard 41.5.1.9 Retail Activities</p> <p><i>The total gross floor area of all commercial activities, excluding associated car parking, in the R(HD) A Activity Area shall not exceed 550m² across all of that Activity area</i></p> <p>Non-compliance status: Non-complying</p>	<p>Provision 41.5.9.3 as notified stated that the total floor space of all commercial activities in the R(HD) A to E activity areas should not exceed 550m².</p> <p>The Council's decision has resulted in changes to this rule with the effect that the 'cap' only applies within the R(HD) A Activity area</p>	<p>Amend Activity Standard 41.5.1.9 such that the 'cap' on total floor space of all commercial activities of 550m² applies across the R(HD) A to E Activity Areas, rather than just in the R(HD) A Activity Area.</p> <p>In the alternative, reinstate Rule 41.5.10.3 in Appendix C.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>(rather than areas A to E).</p> <p>The removal of the restriction on commercial activity over the remainder of the residential areas of Hanley Downs introduces a potentially significant issue for the role and function of the Village Activity Area.</p>	
<p>Table 7 – Standards for activities located in the Jacks Point Zone – Village and Education Areas</p>		
<p>Activity Standard 41.5.2.1 Scale of Commercial Activity</p> <p><i>The maximum net floor area for any single commercial activity (as defined in chapter 2) shall be 200m².</i></p> <p><i>For the purpose of Rule 41.5.2.1, commercial activities are as defined in Chapter 2, but excludes markets, showrooms, professional, commercial and administrative offices, service stations, and motor vehicle sales.</i></p> <p>Non-compliance status: Discretionary</p>	<p>While the intent of managing the scale of commercial activities in the Village and Education Activity Areas is generally supported, the Council's decision in relation to Activity Standard 41.5.2.1 broadens this to include commercial activity. Although a range of exemptions are now provided, Jacks Point considers that the limitation in the standard is inappropriate. Increasing the threshold from 200 to 300m² will still provide for an appropriate limitation on retail to avoid larger format destination activity, but provide some more flexibility on the type of small grained retail that would service the needs of a growing settlement. Such outcomes are considered a positive benefit to the well-being of the residents within this community and also reduce the proportion of vehicle based trips occurring on the State Highway to access such services.</p>	<p>Amend Activity Standard 41.5.2.1 such that:</p> <ul style="list-style-type: none"> - the cap on the scale of commercial activities only relates to retail activities, but would exclude one supermarket servicing the retail needs of the Jacks Point Residents; - the cap for retail activities is 300m² per tenancy; and - the activity status for a breach of this activity standard is amended from discretionary to restricted discretionary.

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Activity Standard 41.5.2.3 Building Coverage</p> <p><i>Within the Jacks Point Village JP(V) and the Homestead Bay V(HB) Activity Areas maximum building coverage, calculated across the total Activity Area, shall not exceed 60%.</i></p> <p>Non-compliance status: Restricted discretionary</p>	<p>The drafting of this rule is unclear whether the 60% applies to the total area of the Jacks Point and Homestead Bay Village areas, or to each individual village area.</p>	<p>Amend Activity Standard 41.5.2.3 such that it is clear that the maximum building coverage of 60% applies to each of the Village Activity Areas.</p>
<p>Activity Standard 41.5.2.4 Building Height</p> <p><i>The maximum height of buildings shall be:</i></p> <p>a. ...</p> <p>b. <i>Jacks Point Village (V-JP) Activity Area 12m and comprising no more than 3 storeys</i></p> <p>c. ...</p> <p>d. ...</p> <p>Non-compliance status: Non-complying</p>	<p>The limitation to 3 storeys could be a significant restriction on yield and capacity for the Jacks Point Village.</p>	<p>Amend Activity Standard 41.5.2.4 to remove the limitation of buildings to comprising no more than 3 storeys.</p>
<p>Table 9 – Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas</p>		
<p>Activity Standard 41.5.4.1 - Boundaries of Open Space Activity Areas</p>	<p>This is based on Rule 41.5.3.3 as notified, which at that stage linked to overlays on the Structure Plan providing for open space not contained within a separate Activity Area. It was not intended</p>	<p>Delete Activity Standard 41.5.4.1</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>The boundaries of Open Space Activity Areas are shown indicatively and may be varied by up to 20m and the exact location and parameters are to be established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be contrary to this rule.</i></p> <p>Non-compliance status: Discretionary</p>	<p>that the boundaries of the activity areas would be varied as technically that would require a plan change to occur.</p> <p>Given the evolution in the management of open space as now being 'hard-wired' into separate activity areas, it does not make sense to retain the discretion over the exact location and parameters.</p>	
<p>Activity Standard 41.5.4.2 – Open Space - Subdivision</p> <p><i>Within any open space area created by subdivision, in accordance with (Rules 41.5.4.1 and 27.7.5.1), there shall be no building.</i></p> <p>Non-compliance status: Discretionary</p>	<p>This is a direct carry over of a rule in evidence, with an update to the cross references to the rules referred to. As above, the provenance of the rule was the open space element shown on the version of the Structure Plan as notified and supported in evidence by the Jacks Point entities.</p> <p>As this element has been removed from the decision version and replaced with Open Space Activity Areas, the rule is considered redundant and should be deleted.</p>	Delete Activity Standard 41.5.4.2.
<p>Activity Standard 41.5.4.9 - Farm buildings within the Open Space Landscape (OSL) Protection Activity Area</p> <p><i>The construction, replacement or extension of a farm building within the Open Space Landscape Activity Area</i></p>	<p>The effect of this activity standard, combined with the rules that state that farm buildings are a controlled activity in the OSL Activity Area (Rule 41.4.4.6) and limit the height of farm buildings to 4m (rule 41.5.1.2(c)) is that the proposed regime for farm buildings in the OSL Activity Area is overly restrictive, particularly as farming is</p>	Delete Activity Standard 41.5.4.9.

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>shall meet the following standards:</i></p> <ul style="list-style-type: none"> <i>a. the landholding the farm building shall be located within is greater than 100 ha; and</i> <i>b. the density of all buildings on the landholding site, inclusive of the proposed building(s) does not exceed one farm building per 50 hectares on the site; and</i> <i>c. if located within the Peninsula Hill Landscape Protection Area or the Lakeshore Landscape Protection Area, the farm building shall be less than 4m in height and the ground floor area shall be no greater than 100m²; and</i> <i>d. if located elsewhere, the farm building shall be less than 5m in height and the ground floor area shall be no greater than 300m²; and</i> <i>e. farm buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</i> <p>Non-compliance status: Restricted discretionary</p>	<p>provided for as a permitted activity. This rule should be deleted. Farming is an important component of the management of the open space areas, which are not reserve, and require grazing to manage pasture grass. To date this regime has resulted in a very low impact from ancillary buildings and structures. Jacks Point considers that the decision imposes a level of control disproportionate to any resource management issue and is doubtful as to scope.</p>	

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Activity Standard 41.5.4.10 - Planting and Cultivation – Landscape Protection and Tablelands Areas</p> <p><i>Within the Highway Landscape Protection Area (refer Structure Plan 41.7) the planting and/or growing of any tree shall not obscure views from the State Highway to the mountain peaks beyond the zone.</i></p> <p>Non-compliance status: Discretionary</p>	<p>While the intent is reasonable, this is a potentially unenforceable rule. The second statement of supplementary evidence of C Ferguson proposed to delete this rule based on questions from the Panel as to problems with its interpretation.</p> <p>The Jacks Point entities proposed that this rule should be replaced by a controlled activity rule relating to the establishment of State Highway Mitigation to assess the appropriateness of planting and maintenance of views. This has been carried over into Activity Rule 41.4.5.2 and Activity Standard 41.5.4.10 is therefore unnecessary.</p> <p>Finally, the Jacks Point entities sought to ensure that the State Highway mitigation planting was implemented <i>prior</i> to any subdivision or development occurring in the R(HD) Activity Areas, by stating that subdivision or development occurring prior to the planting being implemented was a discretionary activity. This has not been reflected in the council's decision and as such there is no mechanism in Chapter 41 to ensure the State Highway mitigation is implemented.</p>	<ol style="list-style-type: none"> 1. Delete Activity Standard 41.5.4.10; and 2. Insert a new Activity Rule into Table 1 to require that any subdivision or building development within the R(HD-SH)-1; R(HD-SH)-2; and R(HD-SH)-3 Activity Areas that occurs prior to the implementation of the State Highway mitigation approved pursuant to Activity Rule 41.4.5.2 is a discretionary activity. 3. In the alternative to the relief set out in 2. Above, insert Rule 41.5.5 as set out in Appendix C into Chapter 41.
<p>Open Space Wetlands (OSW) Activity Area – Activity Standard 41.5.4.15</p>	<p>This rule is located under the heading of 'Open Space Wetlands Activity Area' in Chapter 41. The rule does not appear to apply to land <i>in</i> the OSW Activity Area, but to any land that adjoins an</p>	<p>Amend Chapter 41 so that Activity Standard 41.5.4.15 is appropriately located to apply to any land within 7m of an Open Space Wetland Activity Area. Without limiting the scope of relief,</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>There shall be no development, landscaping, and/or earthworks within 7 metres of the Wetland Activity 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, or to undertake ecological enhancement, including the removal of plant pests.</i></p> <p>Non-compliance status: Non-complying</p>	<p>OSW Activity Area (within 7m).</p> <p>Chapter 41 should be amended so that this Activity Standard is appropriately located in the provisions to avoid misinterpretation of its application</p>	<p>this could be under the Zone-wide activity standards for example.</p>

Table 10 – Standards for activities located in the Jacks Point Zone – Zone Wide Standards

<p>Servicing – Activity Standard 41.5.5.10</p> <p><i>All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications.</i></p> <p>Non-compliance status: Non-complying</p>	<p>The Jacks Point entities sought in evidence that an exemption from this rule was provided for dwellings located in the Homesite Activity Areas because these areas rely in part on on-site infrastructure (i.e. wastewater treatment and disposal).</p> <p>The Council's decision has not provided for this exemption, and will result in future residents having to apply for resource consent to install private wastewater treatment and disposal systems. Given the dispersed nature of the homesites and their distance from the main treatment plants for the other Jacks Points residential areas, such on-site infrastructure is an appropriate and</p>	<p>Amend Activity Standard 41.5.5.10 (and/or the provisions of Chapter 41 generally) such that dwellings located in the Homesite Activity Areas are not required to comply with this standard.</p> <p>In the alternative, amend Activity Standard 41.5.5.10 to align with the wording for Rule 41.5.15.1 in Appendix C.</p>
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Provision (PDP decision version)	Reason for appeal	Relief sought
	sustainable outcome.	
41.7 Jacks Point Structure Plan		
41.7 Jacks Point Structure Plan Structure Plan Legend	The polygon shading that has been used on the Jacks Point Structure Plan to depict the extent of the various Landscape Protection Areas does not align with the correct notation of these areas in the Structure Plan Legend.	Amend the legend for the Jacks Point Structure Plan so that the notation of each of the Landscape Protection Areas correctly aligns with the extent of these areas as shown on the Structure Plan.
41.7 Jacks Point Structure Plan Homesites 36, 37, 39 and 40	<p>The Jacks Point entities sought the addition of new homesites 37, 39 and 40 to the Jacks Point Structure Plan and the relocation of homesite 36 (from the location established within the operative district plan).</p> <p>The Council's decision resulted in the deletion of Homesites 36, 37, 39 and 40. With respect to homesite 36, the decision has also failed to identify the homesite location from the operative District Plan and not in dispute as to its appropriateness. The location of these new and relocated Homesites was agreed to through expert conferencing between the landscaping witnesses during the course of the hearing on this Chapter.</p> <p>A resource consent has been granted and construction is underway to construct a dwelling within the location identified for the</p>	<p>Amend the Jacks Point Structure Plan to reinstate Homesites 36, 37, 39 and 40 in the locations shown on Appendix B to this appeal.</p> <p>Or in the alternative the Activity Area FP-1 and associated provisions as notified should be put in place for the Tablelands and directly adjacent to Willow Pond (outside of the Tablelands).</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	proposed new Homesite 36.	
<p>41.7 Jacks Point Structure Plan</p> <p>Homesites 57 and 58</p>	<p>The Council's decision declined to create the two new Homesites 57 and 58 proposed by Jacks Point. These homesites were recognised as being within the outstanding natural landscape of Peninsula Hill, but identified within areas have some capacity to absorb a limited area of development though the containment of the Homesite Activity Area. These Homesites were supported by a robust policy for protection of the ONL and elevated status for any further building within the Peninsula Hill Landscape Protection Area.</p>	<p>Reinstate Homesites 57 and 58 in the Jacks Point Structure Plan together with the associated policies and rules providing:</p> <p>Policy support to avoid development within the Peninsula Hill Landscape Protection Area, management of the effects on land within the Open Space Landscape activity area, and enabling the use of land within the identified homesites (HS57 and HS58);</p> <p>Establishing a new rule requiring resource consent as a restricted discretionary activity for any residential unit and visitor accommodation within HS57 and HS58;</p> <p>In the alternative, amend the policies and rules relating to Homesites 57 and 58 to align with the wording in Appendix C and amend the Structure Plan, as set out in Appendix B to this appeal.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Mapping of the Peninsula Hill LPA</p>	<p>The Peninsula Hill LPA has been expanded to occupy all of the Peninsula Hill landscape located within the Open Space Landscape Activity Area.</p> <p>The landscape evidence for Jacks Point suggested that that the mapping of the Peninsula Hill LPA apply to the areas identified</p>	<p>Reinstate the mapping of the Peninsula Hill LPA to reflect that set out in Appendix B to this appeal.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>following the amended Coneburn Resource Study absorption analysis.</p> <p>The extension to the Peninsula Hill LPA is also related to the revised building rules that listed any building within the LPA as a discretionary activity, rather than as non-complying as proposed in evidence.</p>	
<p>41.7 Jacks Point Structure Plan and Map 41</p> <p>Mapping of the ONL line</p>	<p>The Outstanding Natural Landscape Line is incorrect and not in accordance with the boundary agreed by all the experts at the hearing. In addition, Jacks Point seeks a change to policy 6.6.3 seeking a separate regulatory regime for the Jacks Point Zone and excluding the Zone from the ONL category and associated objectives and policies. The line should either be deleted from the Structure Plan and Map 41</p>	<p>line should either be deleted, or corrected as per the attached Appendix B</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Public Access Route through the OSL area on Peninsula Hill and R(HD)E</p>	<p>The provision of this public access route was part of the package of positive measures associated with enabling Homesites 57 and 58 (see above). Rule 27.7.5.1 refers to the provision of public access routes within Jacks Point.</p> <p>The route is also incorrect through the northern portion of R(HD)E.</p>	<p>Reinstate the public access route through the OSL area on Peninsula in the location set out in Appendix B to this appeal.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>41.7 Jacks Point Structure Plan</p> <p>Residential Hanley Downs (State Highway) Area 3 (R(HD-SH)-3)</p>	<p>The Council's decision rejected the proposed creation of the R(HD-SH)-3 Activity Area on the basis of scope. The Panel's recommendation appeared to favour the creation of this activity area for residential purposes if scope was available.</p>	<p>Reinstate the R(HD-SH)-3 Activity Area in the location shown in Appendix B to this appeal.</p> <p>Or in the alternative, reinstate this area as the "Education and Innovation Campus Activity Area" as notified and as sought to be amended in the original submission.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Deletion of an area of Open Space Residential Amenity Activity Area along Woolshed Road</p>	<p>The OSA Activity Area proposed along both sides of Woolshed Road formed an important part of the entry and maintenance of amenity values into the Jacks Point Zone (JPZ). This area has been incorporated into Activity Area R(HD)-A.</p> <p>The width of the area of R(HD) – A created instead as a sleeve alongside Woolshed Road is too narrow and appears to be a mapping error – inadvertently converting the open space area into a residential area.</p>	<p>Reinstate the OSA Activity Areas alongside both sides of Woolshed Road as set out in Appendix B to this appeal.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Inclusion of a new Rural Living (RL) Activity Area in place of the R(HD)-FA; R(HD)-FB and R(HD)-G Activity Areas proposed in evidence.</p>	<p>The Council's decision inserted a new Rural Living Activity Area on the Jacks Point Structure Plan instead of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas sought by the Jacks Point entities through the hearing.</p> <p>This change appears to be driven by scope as the outcomes for development in accordance with the rules and mapping proposed</p>	<p>Remove the Rural Living Activity Area from the Jacks Point Structure Plan and replace it with the R(HD)-FA, R(HD)-FB and R(HD)-G Activity Areas as set out in Appendix B to this appeal, along with the associated provisions in Chapters 27 and 41 as set out in Appendix C to this appeal, or such other classification as areas for residential development as sought in the</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>at the Council hearing being agreed to between the experts. The changes sought by Jacks Point would further enable more intensive residential development on the lower slopes alongside the other residential activity areas where residential development was considered appropriate.</p>	<p>submission.</p>
<p>41.7 Jacks Point Structure Plan Open Space Golf Activity Area alongside State Highway 6</p>	<p>The Council's decision records that as notified the PDP classified the land adjacent to the State Highway as Open Space Golf, which seemed incongruous, given its primary purpose is to act as a visual buffer, and is also currently consented and used for wastewater disposal. It is also noted there are no submissions made to change this. This statement is incorrect, the open space alongside the State Highway was notified as Open Space Landscape, which is a more appropriate activity area for this land.</p>	<p>Reinstate the Open Space Landscape Activity Area alongside State Highway 6 as set out in Appendix B to this appeal.</p>
<p>41.7 Jacks Point Structure Plan Jacks Point Village and Education Activity Areas</p>	<p>The Jacks Point entities sought that the Education Activity Area shown on the Structure Plan as notified be removed and replaced with an extension of the Jacks Point Village (V(JP)-B). The Council decision retained the extent of the Village and Education Activity Areas as notified.</p> <p>The Council's concerns with the additional area of Village proposed in the submission and evidence stem from the economic evidence presented by the Council and the potentially very large</p>	<p>Amend the structure plan to:</p> <ul style="list-style-type: none"> - delete the Education Activity Area (and its associated provisions in Chapter 41); and - replace the Education Activity Area with the Jacks Point Village Area B (V(JP)-B) as shown in Appendix B to this appeal, including its attendant provisions set out in Appendix C to this appeal.

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>areas of commercial development that could result, undermining the role of other commercial centres. In seeking to expand the Village Activity Area, Jacks Point is seeking to create a larger area within which to lessen development intensity. Education activities are now possible through a range of areas within the Hanley Downs part of the Jacks Point Zone and do not necessarily need to be concentrated alongside the Village.</p>	
<p>41.7 Jacks Point Structure Plan Boundary of the Open Space Golf Area to the west of the Village Activity Area and west of R(HD)-E Activity Area</p>	<p>The Council's decision has amended the boundary of the Open Space Golf Activity Area from that proposed in evidence and as notified by the Jacks Point entities to follow the extent of the Tablelands LPA overlay.</p> <p>As a consequence, there is a large area of land that was in the Open Space Golf Activity Area that is not identified as being in any activity area.</p>	<p>Amend the boundary of the Open Space Golf Activity Area to the west of the Village Activity Area and the R(HD)-E Activity Area to reflect the boundary of this area shown in Appendix B to this appeal.</p>
<p>41.7 Jacks Point Structure Plan R(HD)B/OSA</p>	<p>The R(HD)B area has been incorrectly extended into the OSA Areas that separate R(JP)3 and R(HD)B.</p>	<p>Correct boundary as per Appendix B.</p>
<p>41.7 Jacks Point Structure Plan</p>	<p>The Tablelands Overlay has been extended south over Lodge Areas and OSL which is incorrect and based on no evidence. This</p>	<p>Amend as shown on Appendix B</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
The Tablelands Overlay	does not follow the Landscape Character Mapping as part of the Coneburn Resource Study	
41.7 Jacks Point Structure Plan Lodge (3)	w L(3) activity area is beyond scope as it was only sought for parking. It should be reclassified and the Structure Plan and provisions amended accordingly.	Change L(3) to L(P) on Structure Plan as per Appendix B .
Chapter 27 subdivision		
<p>Rule 27.6.1</p> <p><i>No lots to be created by subdivision, including balance lots, shall have a net site area, or where specified, an average net site area less than the minimum specified.</i></p> <p>...</p> <p><i>Jacks Point Residential Activity Areas: 380m2. In addition subdivision shall comply with the average density requirements set out in Rule 41.5.8.</i></p>	<p>It is taken from the above that where no density is specified there is no minimum allotment size. This includes all of the Village, Education, Homesite, Wetland, Lodge and Open Space Activity Areas. On this basis, it is recommended Rule 27.6.1 is amended to clearly state that for all other activity areas in Jacks Point, outside of the Residential Activity Areas, there is no minimum allotment size for subdivision.</p>	<p>Amend Rule 27.6.1 to clearly state that for all other activity areas in Jacks Point, outside of the Residential Activity Areas, there is no minimum allotment size for subdivision.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
Planning Maps		
Planning Maps 13 and 41	<p>The ONL line shown on the Jacks Point Structure Plan (41.7) reflects that agreed during expert conferencing undertaken during the hearing process.</p> <p>However the ONL shown on Planning Maps 13 and 41 does not appear to reflect this agreed location.</p>	Amend Planning Maps 13 and 41 such that the ONL line follows the same location as that shown on the Jacks Point Structure Plan (41.7) in the Decisions Version of the PDP.
Further submission 1275 on Hensman et al (submission 361) – planning Map 13 and Chapter 44	<p>Jacks Point opposed the submission from Hensman et al in respect of a proposed industrial zoning opposite the JPZ.</p> <p>The rezoning of Rural General to Industrial as decided by the Council is opposed on the basis that it will have cumulative adverse effects on landscape and visual values, and the character of the area, including adverse transportation effects on the functioning of the State Highway and the JPZ entrance.</p> <p>Decision to accept submission 361 and provide for the Coneburn Industrial Zone is appealed in its entirety, however Jacks Point are willing to address matters relevant and raised in this appeal through further refinements to Coneburn provisions, mapping, and structure plan</p>	<p>Delete the Coneburn Industrial Zone identified in planning map 13 and Chapter 44 of the PDP; or</p> <p>Amend Chapter 44 subject to further refinements to the objectives, policies and rules which ensure that adverse effects on amenity, visual character, landscape, transport, noise, and traffic on the JPZ are adequately addressed.</p>