

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-137

Under the Resource Management Act 1991 (**RMA**)

In the matter of An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

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

Appellant

And **Queenstown Lakes District Council**

Respondent

AMENDED Notice of Appeal

4 March 2019

Appellant's solicitors:

Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

- 1 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Jacks Point made submissions (#762) (#856) and further submission (#1275) on the PDP.
- 3 Jacks Point is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Jacks Point received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 27 Subdivision;
 - (b) Chapter 41 Jacks Point;
 - (c) Map 13.

Reasons for appeal and relief sought

Background

- 7 Jacks Point are owners, developers and proponents of the masterplanned community in the area known as the Jacks Point Resort Zone under the operative District Plan. That zone forms three distinct components: Jacks Point, Henley Downs and Homestead Bay, which are part of the wider Coneburn Area.
- 8 Since its creation, development within the zone has been mostly restricted to the land located within the Jacks Point part of the Zone. This has included establishing several residential neighbourhoods, the Golf Course, Club House and investing significantly in the formation of vehicle access, water supply, wastewater treatment and stormwater infrastructure. In addition the emerging settlement includes large areas of open space that have been established to

provide areas of private amenity, native vegetation enhancement, public trails and landscape protection.

- 9 Jacks Point has worked together with the Council on the formulation of a new Jacks Point Zone, including the design of a single structure plan for the wider Jacks Point area, drafting new and updated provisions, section 32 reports, specialist landscape reports, consultation and other background investigations.
- 10 Jacks Point opposes those parts of the PDP relevant to the Jacks Point Zone (**JPZ**) which are contrary to the JPZ purpose and philosophy and will not achieve Part 2 of the RMA, particularly in facilitating efficient use, development and protection of resources.
- 11 An overview of those parts of the PDP are summarised below with reasons for appeal given and description of scope of relief sought. The specific provisions of the PDP and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.
- 12 Specific relief sought in respect of Chapter 41, and the JPZ Structure Plan are included in **Appendix B** to this Appeal.

Chapter 27 Subdivision and Development

- 13 Rule 27.6.1 is opposed to the extent that the relationship between the subdivision rule and the density standards in chapter 41 is unclear. The specific relief sought by Jacks Point is set out in **Appendix A** to this Appeal.

Chapter 41 Jacks Point Zone and Structure Plan

Policies opposed

- 14 The reasons for appealing, and description of the scope of the relief sought are:
 - (a) Changes are sought to the policies of Chapter 41 to provide for the purpose of the Zone, which 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.
 - (b) The overall framework of the JPZ better should more specifically provide for the character, values and features of the JPZ landscape rather than leaving matters not specified.
 - (c) The structure plan approach to planning the development of JPS is central to the integrated development philosophy of JPZ. Amendments to 'require

activities to be located in accordance with a structure plan' rather than the policy directing 'use of a structure plan' unnecessarily restrictive. (See amendments to policy 41.2.1.1).

- (d) The Comprehensive Development Plan approach relevant to future subdivision and development of the village activity areas has been fundamentally misunderstood and the resulting policy 41.2.1.19 is potentially ultra vires and unworkable.
 - (e) Policies in respect of the Village require amendment in order to support and enable commercial, community, visitor accommodation and residential activities within the Village as permitted activities, in accordance with a comprehensive development plan framework.
 - (f) Policies restricting the anticipated use of the Education Activity area, to just education and day care facilities, represent an unnecessary restriction on the use of land adjacent to the village. The optimum outcome is a Village activity area integrated with the Education Activity Area, incorporating a range of activities and services vital to a vibrant, sustainable, diverse community including health care.
 - (g) Amendments to open space provisions seeking to avoid buildings and recognise the contribution of open space to amenity and residential outlook are opposed. These amendments duplicate specific landscape provisions already included within the JPZ and do not match the associated discretionary activity status for development in OSG and OSA activity areas. (See amendments to policy 41.2.1.21 and 41.2.1.22).
 - (h) Amendments to the policy in respect of mining have the effect of constraining the enablement of mining activities solely within the OSG Activity Area which is an efficient use of a site specific/site constrained resource.(Policy 41.2.1.24)
 - (i) Amendments to the policy in respect of native revegetation are required to provide clearer direction as to location and extent of anticipated revegetation (Policy 41.2.1.28).
- 15 The specific provisions of Chapter 41 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal, and alternative relief as referenced in **Appendix C**.

Structure plan and activity areas opposed

- 16 The reasons for appealing, and description of the scope of the relief sought are:

- (a) The Structure Plan Legend is incorrect. The polygon shading that has been used on the Jacks Point Structure Plan to depict the extents of the various Landscape Protection Areas does not align with the correct notation of these areas in the Structure Plan Legend.
- (b) The Outstanding Natural Landscape Line and boundary of the Peninsula Hill Landscape Protection Area (**PHLPA**) 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, or corrected as per the attached **Appendix B**.
- (c) The classification of the entire Peninsula Hill Open Space Landscape Activity Area as the PHLPA is incorrect and inconsistent with the expert evidence and updated Coneburn Resources Study for the purpose of the Structure Plan, namely identifying areas capable of absorbing appropriate development.
- (d) The refusal to show a portion of the Public Access Route through the OSL area on Peninsula Hill results in a reduction of certainty for provision of public access and improved trail network. The route for Public Access through R(HD)E is also incorrect.
- (e) The refusal to include Preserve Homesites HS57 and 58 is contrary to expert evidence that those sites have the ability to absorb development and the corresponding planning framework that will ensure sufficient control is in place to protect the particular values and characteristics of those sites. These are sought to be included as shown on Appendix B, or in the alternative provisions amended to enable dwellings on Peninsula Hill in areas capable of absorbing development.
- (f) The deletion of any activity area on the site notified as EIC, and through the hearing amended to R(HD-SH)3 is opposed and represents an inefficient classification of land the Decision itself stated was suitable for residential development. This is sought to be reinstated in a form and with associated provisions either as notified (as Education Innovation Campus Activity Area) or as R(HD-SH)3 or similar.
- (g) The deletion of an area of OSA Activity Area along both sides of Woolshed Road and inclusion with Activity Area R(HD) – A is unjustified and should be reinstated.

- (h) Inclusion of a new Rural Living Activity Area (and associated provisions) in place of the old R(HD) – F and G Activity Areas is opposed as the expert evidence supported the Activity Areas and associated provisions as enabled an appropriate nature and scale of development. It is sought that the F and G Activity Areas and associated provisions be reinstated, or other changes made to ensure development is enabled to a similar degree as that notified.
- (i) The rezoning the area of OSL alongside the State Highway and wastewater disposal area as OSG is opposed as that classification would enable inappropriate activities for those sites.
- (j) The rezoning of a part of the OSL between the State Highway Landscape Protection Area and the Residential Jacks Point State Highway Activity Area 1 – 4 as OSA is opposed as that classification would enable inappropriate activities for this area.
- (k) 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. The Appellant seeks to delete the E activity area and replace it with the extended V(JP)-B as shown in **Appendix B**.
- (l) Amending the boundary of the OSG west of the Village to follow the bottom of the Tablelands overlay results in a large area of former OSG located between the new OSG and the Village that is not labelled as being within any activity area and therefore technically subject to no provisions. This obvious error requires amendment by reinserting OSG as shown in **Appendix B**.
- (m) Amending the boundary of the Tablelands Overlay to follow the northern side of the Jacks Point landform and not over the area of OSL (incorrectly shown as OSG).
- (n) The northern end of the Willow Pond land where the boundary of the OSG has been lifted uphill to follow the tablelands overlay and left an area west of Activity Area R(HD) – E not labelled as being within any activity area. This area should be reinstated as OSG as shown in **Appendix C**.
- (o) Deletion of existing (operative and notified) Homesite 36 is opposed and obviously an error, as no submitter sought its deletion. Para 286 of the Decision indicates support for retention of HS 36 in its operative site, therefore its complete deletion appears to be in a mapping error. The proposed HS 36 site is located in an area capable of absorbing the change

and provide for ecological and landscape enhancement benefits and should be reinserted onto the Structure Plan as shown on **Appendix C**

- (p) The deletion of proposed new Homesites, 37, 39, 40 is opposed. These proposed homesites are located in areas of the landscape capable of absorbing such change and provide for ecological and landscape enhancement benefits and should be inserted as shown on **Appendix C**. 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).
- (q) New 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.
- (r) The R(HD)B area has been incorrectly extended into the OSA Areas that separate R(JP)3 and R(HD)B.

Activity tables and status opposed

- 17 The reasons for appealing the activity rules and standards are related to the following matters generally, set out in detail in: **Appendix A**, along with detailed relief sought:
- (a) Classification of residential activities in Rural Living Areas (41.4.1.3);
 - (b) Treatment of medium density residential in R(JP)1-3 and R(JP-SH)4 (41.4.1.6);
 - (c) Treatment of visitor accommodation in R(HD)E (41.4.1.8);
 - (d) Amended controlled activity rule 41.4.2.1 requires that development of the Village activity areas must be in accordance with a Comprehensive Development Plan 'incorporated into the District Plan'. The intention of a CPD approach in a controlled activity framework was to ensure this was an information requirement to support a resource consent application made under this rule, the recommendations version now requires that CDP to be incorporated into the District Plan (presume via way of private plan change) which is uncertain, onerous, and potentially ultra vires.
 - (e) The activities anticipated within the Lodge Activity Area (3) is inconsistent with that as sought at the hearing (41.4.3.1);
 - (f) Provision for ancillary buildings, mining, utilities, infrastructure and vehicle access in OSG (41.4.4.1, 41.4.4.3, 41.4.4.4);
 - (g) Provision for activities in the OSL (41.4.4.5 , 41.4.4.6 41.4.4.7);

- (h) Treatment of activities in OSA (41.4.4.8, 41.4.4.10);
- (i) Classification of residential activity in Homesite activity areas (41.4.4.7);
- (j) Informal airports (41.4.5.3);
- (k) Treatment of density requirements throughout the residential activity areas (41.5.1.1);
- (l) Inconsistent application of recession plane requirements (41.5.1.4);
- (m) Restrictions on medium density residential activity generally, and building coverage for medium density housing in the Henley Downs Activity Areas (41.4.1.5 and 41.5.15.2);
- (n) The error in applying the cap on commercial areas which as notified applied to R(HD) A – E, but as decided applied to just R(HD)A with no cap on the remaining areas (41.5.9.3);
- (o) Scale of commercial activities (41.5.2.1);
- (p) Lack of clarity as to application of the building coverage standard for the Village (41.5.2.3);
- (q) Imposition of a restriction to 3 storeys for buildings in the Jacks Point Village (41.5.2.4);
- (r) Boundaries of Open Space Areas (41.5.4.1);
- (s) Farm buildings in the Open Space Landscape Protection Area (41.5.4.9);
- (t) Planting and cultivation in the Landscape Protection and Tablelands Areas (41.5.4.10);
- (u) Open Space Wetlands (41.4.4.16 and 41.5.4.15);
- (v) Servicing for Homesite Activity Areas (41.5.5.10);

Provisions supported

- 18 Jacks Point specifically supports the following amendments to the PDP, and none of the relief sought is intended to impact the below:
- (a) Consolidation of the open space activity areas
 - (b) Expansion to R(JP)-1 Activity Area boundary to include recently consented, additional, residential development within Lot 400

- (c) Amendments to the boundaries of the R(JP) – 2a Activity Area
 - (d) Amendments to the boundaries of the R(JP-SH) – 4 Activity Area
 - (e) Amendments to the Jacks Point Village Activity Area (expanded from 15.07ha – 18.7ha in area)
 - (f) Creation of the new R(HD-SH) – 1 and 2 Activity Areas
- 19 Any opposition to these amendments through further appeals are opposed by Jacks Point.

Further and consequential relief sought

- 20 Jacks Point opposes any alternative provisions contrary to the outcomes sought in this Appeal, and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Jacks Point's PDP submissions.

Attachments

- 21 The following documents are **attached** to this notice:
- (a) **Appendix A** – Primary relief sought to PDP chapters 27 and 41;
 - (b) **Appendix B** – Relief sought to Planning Map and Structure Plan;
 - (c) **Appendix C** – Versions of Chapters 41 as sought at the close of Commissioner hearing, relevant to alternative relief.
 - (d) **Appendix D** – A copy of the Appellant's submission and further submissions;
 - (e) **Appendix E** - A copy of the relevant parts of the decision; and
 - (f) **Appendix F** - A list of names and addresses of persons to be served with this notice.

Dated this 4th day of March 2019



Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

Address for service of the Appellants

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.

Appendix A – Relief sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 41 Jacks Point		
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 style="text-align: center;"><i>“Require activities to be located in accordance with the Establish a Structure Plan (41.7) to establish <u>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 (VjP) 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>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>

Provision (PDP decision version)	Reason for appeal	Relief sought
<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>The council's decision has constrained this policy such that it only applies to the Village Activity Areas (rather than the Jacks Point 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>In the alternative reinstate Policy 41.2.1.21 as sought at the 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</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>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

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>incorporated in the District Plan, which shall establish an integrated and coordinated layout of open space; 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>b. <i>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>c. <i>encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and</i></p> <p>d. <i>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</i></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:</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>Development Plan prepared for the Villages shall consider land uses within buildings; and design 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>

Provision (PDP decision version)	Reason for appeal	Relief sought
<i>Village Activity Area</i>		
<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</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</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</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>provided the adverse environmental effects of the activity are managed</i></p>	<p>non-complying activity.</p> <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>	<p>environmental effects.</p> <p>In the alternative reinstate Policy 41.2.1.11 as set out in Appendix C.</p>
<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</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>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>foreshore gully and homesite activity areas, whereas the second inserted part of the policy seeks to <i>encourage</i> native planting of 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>	
New Policy – 41.2.1.X	<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</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>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>been modified to relate to the open space areas more generally and not the protection of the Peninsula Hill LPA. This weakens 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</p>	

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>
----------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Residential Activity Areas R(HD) A – E, R(HD-SH) 1, and R(HD-SH)-3 - Activity Rule 41.4.1.5</p> <p><i>Any residential activity which results in either:</i></p> <p>a. <i>three or more attached residential units; or</i></p> <p>b. <i>a density of more than one residential unit per 380 m2 of net site area.</i></p> <p>Restricted discretionary activity</p>	<p>Policy 41.2.1.12 appropriately recognises that the Hanley Downs residential activity areas are appropriate to accommodate 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>Amend Activity Rule 41.4.1.5 such that medium density residential activity is provided for as a controlled activity in the 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>a. <i>three or more attached residential units; or</i></p> <p>b. <i>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>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Residential R(HD) – E Activity Area, Activity Rule 41.4.1.8</p> <p>41.4.1.8 Restricted Discretionary</p> <p>Commercial activities, community activities, and visitor accommodation including the addition, alteration or construction of associated buildings.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. location, scale and external appearance of buildings; b. setback from roads; c. setback from internal boundaries; d. traffic generation; e. vehicle access, street layout and car parking; f. street scene including landscaping; g. enhancement of ecological and natural values; h. provision for walkways, cycle ways and pedestrian linkages; i. scale of the activity; j. noise; k. hours of operation 	<p>Provision for commercial and community activity within Activity Area R(HD)-E is supported through an appropriate assessment as a restricted discretionary activity, as addressed through Rule 41.4.1.7.</p> <p>Provision for visitor accommodation within activity area R(HD)E is opposed on the basis that combined with the density enabling VA would have an adverse impact on the vitality of the Jacks Point Village and Policy 41.2.1.1.7 to create the village as a vibrant mixed-use hub of the Jacks Point Community.</p>	<p>Jacks Point seek to delete rule 41.4.1.8 and to make corresponding amendments to rule 41.4.1.7 to make provision for commercial and community activity as a restricted discretionary activity within Activity Area r(HD)-E</p>
<p>Table 2 Activities Located in the Jacks Point Zone – Village and Education Activity Areas</p>		
<p>41.4.2 Village and Education (V), V(HB) and (E) Activity Areas</p>		
<p>Activity Rule 41.4.2.1</p> <p><i>Any commercial, community, residential or visitor</i></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</p>	<p>Along with any other consequential amendments to related provisions in Chapter 41, amend activity rule 41.4.2.1 such that</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>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>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 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 	<p>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 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>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>granted under the rule above as a permitted activity; and</p> <ul style="list-style-type: none"> - Restrict development that is not in accordance with that CDP (or proposed to occur prior to the approval of the CDP). 	
<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><i>Visitor accommodation activities, restaurants, and conference facilities.</i></p> <p>Discretionary activity</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 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</p>	<p>Amend L(3) on Structure Plan to L(P)</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</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>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>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, 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>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 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>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 within the Open Space Golf Activity Area as a permitted activity.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Provision (PDP decision version)	Reason for appeal	Relief sought
<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>, <u>41.4.4.2</u> and <u>41.4.4.4</u>.”</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 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</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>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>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. It is critical for the continued management of this 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 - Farm access tracks - Vehicle access related to other activities anticipated by 	<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, 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
	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 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 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>As set out above, consequential to relief sought to provide for outdoor recreation activities 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 41.4.4.7 to provide for buildings ancillary to outdoor recreation activities as a controlled activity, as well as 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>

Provision (PDP decision version)	Reason for appeal	Relief sought
Controlled activity		
<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><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>Activity Rule 41.4.4.10 is considered appropriate to manage buildings ancillary to outdoor recreation activities in the Open 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>Amend Activity Rule 41.4.4.10 to provide for any buildings ancillary to the permitted activities set out in Activity Rule 41.4.4.9 as a controlled activity.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<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>
<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</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'

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>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>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 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</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 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>

Provision (PDP decision version)	Reason for appeal	Relief sought
	through the covenants.	
Homesite (HS) Activity Area – new Activity Rule 41.4.4.X	<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 41.4.4.17 above).</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.
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</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. <i><u>Informal Airports for emergency landings, rescues, firefighting and activities ancillary to farming activities;</u></i></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	airports, it should be amended for greater certainty.	
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 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>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> <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</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

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>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>that these features are exempt where they are:</p> <ul 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 41.5.13.4 set out in Appendix C.</p>
<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</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>

Provision (PDP decision version)	Reason for appeal	Relief sought
<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>any given site.</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 (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>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>
<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</i></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 provide some more flexibility on the type of</p>	<p>Amend Activity Standard 41.5.2.1 such that:</p> <ul style="list-style-type: none"> - The cap on retail is 200m² - the cap for commercial activities (excluding retail) 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><i>stations, and motor vehicle sales.</i></p> <p>Non-compliance status: Discretionary</p>	<p>small grained commercial activities 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>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>

Provision (PDP decision version)	Reason for appeal	Relief sought
Table 9 – Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas		
<p>Activity Standard 41.5.4.1 - Boundaries of Open Space Activity Areas</p> <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>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 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>Delete Activity Standard 41.5.4.1</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>	<p>Delete Activity Standard 41.5.4.2.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<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 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</i> 	<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 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>	<p>Delete Activity Standard 41.5.4.9.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>sites, or formed roads within 2km of the location of the proposed building.</i></p> <p>Non-compliance status: Restricted discretionary</p>		
<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</p>	<ol style="list-style-type: none"> 1. 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. 2. 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.

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Open Space Wetlands (OSW) Activity Area – Activity Standard 41.5.4.15</p> <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>is implemented.</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 in the OSW Activity Area, but to any land that adjoins an 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>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, this could be under the Zone-wide activity standards for example.</p>
<p>Table 10 – Standards for activities located in the Jacks Point Zone – Zone Wide Standards</p>		
<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</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>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>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 sustainable outcome.</p>	
41.7 Jacks Point Structure Plan		
<p>41.7 Jacks Point Structure Plan Structure Plan Legend</p>	<p>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.</p>	<p>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.</p>
<p>41.7 Jacks Point Structure Plan Homesites 36, 37, 39 and 40</p>	<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</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
	<p>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 proposed new Homesite 36.</p>	
<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</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>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 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>The 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</p>	<p>The provision of this public access route was part of the package of positive measures associated with enabling Homesites 57 and</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
and R(HD)E	<p>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>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</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</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,</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
proposed in evidence.	<p>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 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>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 submission.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>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</p> <p>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</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

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>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 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>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.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>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</p>	<p>The R(HD)B area has been incorrectly extended into the OSA</p>	<p>Correct boundary as per Appendix B.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
R(HD)B/OSA	Areas that separate R(JP)3 and R(HD)B.	
41.7 Jacks Point Structure Plan The Tablelands Overlay	The Tablelands Overlay has been extended south over Lodge Areas and OSL which is incorrect and based on no evidence. This does not follow the Landscape Character Mapping as part of the Coneburn Resource Study	Amend as shown on Appendix B
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		
Rule 27.6.1 <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> ...	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	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.

Provision (PDP decision version)	Reason for appeal	Relief sought
<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>	allotment size for subdivision.	
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.

Appendix B – relief sought to Planning Map and Structure Plan

Appendix C – Versions of Chapters 41 as sought at the close of Commissioner hearing, relevant to alternative relief

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

Appendix D – A copy of the relevant parts of the decision

Appendix F - A list of names and addresses of persons to be served with this notice