

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
Schedule of the Act

BETWEEN CONEBURN PRESERVE HOLDINGS
LIMITED, HENLEY DOWNS FARMS
HOLDINGS LIMITED, HENLEY DOWNS
LAND HOLDINGS LIMITED, HENLEY
DOWNS FARMS HOLDINGS LIMITED,
JACKS POINT DEVELOPMENTS
LIMITED, JACKS POINT LAND NO. 2
LIMITED, JACKS POINT MANAGEMENT
LIMITED, JACKS POINT RESIDENTIAL
NO.2 LIMITED, JACKS POINT VILLAGE
HOLDINGS LIMITED, WILLOW POND
FARM LIMITED (JACKS POINT ENTITIES)

(ENV-2018-CHC-137)

OTAGO REGIONAL COUNCIL

(ENV-2018-CHC-079)

RCL QUEENSTOWN PTY LIMITED, RCL
HENLEY DOWNS LIMITED, RCL JACKS
POINT LIMITED

(ENV-2018-CHC-102)

NICOLAS INDEPENDENT TRUSTEE CO
LIMITED AS TRUSTEE OF THE HORIZON
INVESTMENT TRUST, WILD GRASS
PARTNERSHIP, WILD GRASS
INVESTMENT NO 1. LIMITED

(ENV-2018-CHC-074)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 21 May 2020

CONEBURN PRESERVE HOLDINGS & ORS V QLDC – TOPIC 22 CONSENT ORDER



CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed, and Queenstown Lakes District Council is directed to:
 - (a) amend the provisions of Chapter 27 (Subdivision and Development) as set out in Appendix 1, attached to and forming part of this consent order;
 - (b) amend the provisions of Chapter 41 (Jacks Point Zone) as set out in Appendix 1, attached to and forming part of this consent order;
 - (c) amend the Jacks Point Structure Plan as set out in Appendix 2, attached to and forming part of this consent order.
 - (d) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendments.
- (2) the appeals otherwise remain extant.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs

REASONS**Introduction**

[1] These proceedings concern four appeals filed by the Jacks Point Entities,¹ Otago Regional Council;² the RCL Entities;³ and the Wild Grass Entities.⁴ The appeals were filed against parts of a decision of Queenstown Lakes District Council regarding

¹ ENV-2018-CHC-137: Coneburn Preserve Holdings Limited, Henley Downs Farms Holdings Limited, Henley Downs Land Holdings Limited, Henley Downs Farms Holdings Limited, Jacks Point Developments Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Jacks Point Residential No.2 Limited, Jacks Point Village Holdings Limited and Willow Pond Farm Limited ('the Jacks Point Entities').

² ENV-2018-CHC-079.

³ ENV-2018-CHC-102: RCL Queenstown Pty Limited, RCL Henley Downs Limited, RCL Jacks Point Limited ('the RCL Entities').

⁴ ENV-2018-CHC-074: Nicolas Independent Trustee Co Limited as trustee of the Horizon Investment Trust, Wild Grass Partnership; Wild Grass Investment No 1. Limited ('the Wild Grass Entities').



provisions in Chapters 27 and 41 and the Jacks Point Structure Plan of the Proposed Queenstown Lakes District Plan – Stage 1, allocated as Topic 22 – Jacks Point.

[2] The court has received consent memoranda⁵ requested by the parties to be considered in conjunction. Each memorandum details the resolution reached in relation to that appeal, with the parties filing one set of agreed amendments to provisions of Chapters 27 and 41 along with an updated version of the Jacks Point Structure Plan.

[3] Responding to the identification of s274 parties that had not signed the joint memorandum, the court issued a Minute dated 13 May 2020 providing opportunity to those s274 parties to express their views on the relief sought by consent order. No response has been received.

[4] The court has now read and considered each consent memoranda which together propose to partially resolve the appeals.

Appeal points resolved without amendment to plan provisions

[5] The following appeal points were resolved, through court-facilitated mediation, by way of an agreement either to withdraw or not pursue the relevant relief.

[6] The following appeal points are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-137-014	Policy 41.2.1.24
ENV-2018-CHC-137-025	Activity Rule 41.4.4.4
ENV-2018-CHC-137-025	Activity Rule 41.4.4.5
ENV-2018-CHC-137-026	Activity Rule 41.4.4.6
ENV-2018-CHC-137-027	Activity Rule 41.4.4.7
ENV-2018-CHC-137-029	Activity Rule 41.4.4.10

⁵ Joint memorandum from the Jacks Point Entities, dated 4 November 2019; joint memorandum from Otago Regional Council, dated 4 November 2019; joint memorandum from the RCL Entities, dated 1 November 2019 and joint memorandum from the Jacks Point Entities and Wild Grass Entities dated 3 March 2019.



ENV-2018-CHC-137-031	Activity Rule 41.4.4.17
ENV-2018-CHC-137-043	Rule 41.5.4.2
ENV-2018-CHC-137-010	Policy 41.2.1.18
ENV-2018-CHC-137-018	Rule 41.4.1.6
ENV-2018-CHC-137-035	Rule 41.5.1.1
ENV-2018-CHC-137-037 F	Rule 41.5.1.5

[7] In addition, the following appeal points are dismissed:

- (a) the relief inadvertently sought by the Jacks Point notice of appeal to the ONL boundary line relative to Jardine's (Jacks Point) Hill; and
- (b) the relief sought by the RCL Entities notice of appeal to create an Activity referred to as "Open Space Community and Recreation Activity Area" on Lot 12 DP 364700.

Orders

[8] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memoranda requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.

J J M Hassan
Environment Judge



APPENDIX 1

(amendments shown in underline and ~~striketrough~~ text)



Chapter 27 Subdivision

27.6 Rules - Standards for Minimum Lot Areas

27.6.1 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.

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m ²
Airport		No minimum
Coneburn Industrial	Activity Area 1a	3000m ²
	Activity Area 2a	1000m ²
Residential	High Density	450m ²
	Medium Density	250m ²
	Lower Density Suburban	450m ² Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary: 600m ²
	Arrowtown Residential Historic Management	800m ²
	Large Lot Residential A	2000m ²
	Large Lot Residential B	4000m ²
Rural	Rural Gibbston Character	No minimum
	Wakatipu Basin Rural Amenity Zone	80ha
	Wakatipu Basin Lifestyle Precinct	6000m ² 1.0ha minimum average
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ² .



Zone		Minimum Lot Area
	Rural Residential Camp Hill	4000m ² with no more than 36 lots created for residential activity
Jacks Point	Residential Activity Areas – <u>being the R(JP), R(HD), R(JP-SH), and R(HD-SH) areas.</u>	380m ² In addition, subdivision shall comply with the average density requirements set out in Rule 41.5.8. <u>41.5.1.1</u>
	<u>All other activity areas</u>	<u>No minimum</u>
Millbrook		No minimum
Waterfall Park		No minimum
Open Space and Recreation Zones*		No minimum

27.7 Zone – Location Specific Rules

27.7.5 Jacks Point

<p><i>27.7.5.2 Subdivision failing to comply with the 380m² minimum lot size for subdivision within the Hanley Downs part of the Jacks Point Zone.</i></p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on-site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; 	RD
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27.9.6 Restricted Discretionary Activity-Subdivision Activities within the Jacks Point Zone

27.9.6.1 Assessment Matters in relation to Rule 27.7.5.2 (Jacks Point)



- a. the assessment criteria identified under Rule 27.7.1 as it applies to the Jacks Point Zone;
- b. the visibility of future development from State Highway 6 and Lake Wakatipu;
- c. the appropriateness of the number, location and design of access points;
- d. the extent to which nature conservation values are maintained or enhanced;
- e. the adequacy of provision for creation of open space and infrastructure;
- f. the extent to which Policy 27.3.7.1 is achieved;
- g. the extent to which sites are configured:
 - i. with good street frontage;
 - ii. to enable sunlight to existing and future residential units;
 - iii. to achieve an appropriate level of privacy between homes.
- h. the extent to which parking, access and landscaping are configured in a manner which:
 - i. minimises the dominance of driveways at the street edge;
 - ii. provides for efficient use of the land;
 - iii. maximises pedestrian and vehicular safety;
 - iv. addresses nuisance effects such as from vehicle lights.
- i. the extent to which subdivision design satisfies:
 - i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
- j. whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.
- k. the extent to which natural hazard risk is appropriately managed in accordance with the relevant provisions of Chapter 28.



Chapter 41 Jacks Point Zone

41.2.1.28 *Ensure substantial native revegetation of the gully within the lake Open Space Fforeshore (OSF) Activity Area within Homestead Bay and the 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.*

41.2.1.XX Encourage native planting of the Open Space Activity Areas (OSF, OSL and OSG).

Lodge

41.2.1.30 To provide for visitortravellers accommodation and ancillary facilities within the Lodge (L) Activity Areas in a manner consistent with protecting that does not adversely affect the open character and amenity of the surrounding Open Space Golf (OSG) Activity Areas.

41.4 Rules – Activities

Table 1	Activities Located in the Jacks Point Zone	Activity Status
	<p>41.4.1.5 Residential Activity Areas R(HD)-A – E, R(HD-SH)-1, and R(HD-SH)-3</p> <p>Any residential activity which results in either:</p> <p>three or more attached residential units; or</p> <p>a. a density of more than one residential unit per 380m² of net site area.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; access and car parking; traffic generation effects; associated earthworks; landscaping; effects on adjacent sites that are not part of the medium density residential development being applied for; bulk and location; legal mechanisms proposed in relation to building bulk and location. 	RD



Table 1	Activities Located in the Jacks Point Zone	Activity Status
	<u>Except that this rule shall not apply to residential units located on sites smaller than 380m2 created pursuant to subdivision rule 27.7.5.2.</u>	

Table 2	Activities Located in the Jacks Point Zone – Village and Education Activity Areas	Activity Status
	Education (E) Activity Area	C
	41.4.2.2 Educational and Day Care Facilities. Control is reserved to: <ul style="list-style-type: none"> a. location and external appearance of buildings; b. setback from roads; c. setback from internal boundaries; d. <u>provision of outdoor living space;</u> e. street scene including landscaping; f. provision for walkways, cycle ways and pedestrian linkages; g. noise; h. infrastructure and servicing, including traffic effects. 	

Table 3	Activities Located in the Jacks Point Zone – Lodge Activity Areas	Activity Status
41.4.3	Lodge (L) Activity Areas – <u>L(1), L(2) and L(P)</u>	
	Lodge Activity Areas <u>L(1) and L(2)</u> 41.4.3.1 Visitor accommodation activities, restaurants, and conference facilities.	<u>PD</u>
	<u>Lodge Activity Area L(P)</u> 41.4.3.2 <u>Parking associated with visitor accommodation activities, restaurants and conference facilities undertaken within L(1) and L(2)</u>	<u>P</u>

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



	<p><i>[Note: New rule to be included after Rule 41.4.4.5]</i></p> <p><u>Open Space Landscape (OSL) (Highway Buffer) Activity Area</u></p> <p>41.4.4.x <u>Sheep farming, endemic revegetation, and pedestrian and cycle trails.</u></p>	P
	<p>Open Space Landscape (OSL) Activity Area</p> <p>41.4.4.5 <u>a. Any building within a Landscape Protection Area, or</u></p> <p><u>b. any building other than a building ancillary to farming activity.</u></p>	D
	<p><u>Open Space Residential Amenity (OSA) Activity Area</u></p> <p>41.4.4.8 <u>Any buildings within the Highway Landscape Protection Area.</u></p>	P
	<p><u>Open Space Residential Amenity (OSA) Activity Area</u></p> <p>41.4.4.9 Recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention, and underground services</p>	
	<p>Open Space Wetland (OSW) Activity Area</p> <p>41.4.4.16 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.</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>bulk and location;</u> b. <u>lighting;</u> c. <u>biodiversity values (temporary during construction and long term);</u> d. <u>external appearance (including colour and materials);</u> e. <u>amenity values;</u> f. <u>stormwater disposal; and</u> g. <u>landscaping in relation to any structures.</u> 	<u>RDD</u>
	<p><i>[Note: clause 16 amendment]</i></p> <p>Homesite (HS) Activity Area</p> <p>41.4.4.17 No more than one residential building located within a Homesite (HS) Activity Area.</p>	C



	<p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the external appearance of buildings with respect to the effect on visual and landscape values of the area; b. infrastructure and servicing; c. associated earthworks and <u>landscaping</u>; d. access and parking; e. bulk and location; f. exterior lighting; g. the protection and enhancement of the wetland areas adjacent to the Homesite (HS) Activity Area; h. the implementation and maintenance of the comprehensive vegetation plan. 	
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Table 5	Activities Located in the Jacks Point Zone – Zone Wide Activities	Activity Status
	<p>41.4.5.3 Informal Airports Aircraft</p> <ul style="list-style-type: none"> a. emergency landings, rescues, firefighting and activities ancillary to farming activities; b. informal Airports limited to the use of helicopters; c. <u>The establishment and operation of Airport Activity or Aerodrome other than those allowed by Rules 41.4.5.3(a) and 41.4.5.3(b), including Informal Airports used by fixed wing aircraft.</u> 	<p>P D <u>NC</u></p>
	<p>41.4.5.4 The establishment and operation of Airport Activity or Aerodrome other than those allowed by Rules 41.4.5.3(a) and 41.4.5.3(b), including Informal Airports used by fixed wing aircraft.</p>	<p>NC</p>

41.5 Rules – Activity Standards

Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
41.5.1	Residential Activity Area	
	Density	RD Discretion is restricted to:



Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>41.5.1.1 The average density of residential units within each of the Residential Activity Areas shall be as follows:</p> <p>R(JP) – 1 13 – 19 per Ha R(JP) – 2A 14 – 33 per Ha R(JP) – 2B 14 – 15 per Ha R(JP) – 3 14 per Ha R(JP-SH) – 1 10 per Ha R(JP-SH) – 2 9 per Ha R(JP-SH) – 3 5 – 27 per Ha R(JP-SH) – 4 5 – 12 per Ha R(HD-SH) – 1 12 – 22 per Ha R(HD-SH) – 2 2 – 10 per Ha R(HD-SH) – 3 12-22 per Ha R(HD) – A 17 – 26 per Ha R(HD) – B 17 – 26 per Ha R(HD) – C 15 -22 per Ha R(HD) – D 17 – 26 per Ha R(HD) – E 25 – 45 per Ha R(HD) – F 2 – 10-17 – 24 per Ha RL – 1, 2, 3 2 per Ha</p> <p>Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. Within the Residential Areas of Hanley Downs, if part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area, as defined in 41.5.1.1 above.</p>	<p>a. residential amenity values; b. traffic, access, parking; c. adequacy of infrastructure.</p>
	<p>41.5.1.4 <u>Recession Planes (applicable to flat sites only)</u></p> <p>Within the R(HD) and the R(HD-SH) Activity Areas: In addition to the maximum height of buildings specified under Rule 41.5.1.2, buildings shall comply with the following recession plane requirements:</p> <p>a. No part of any building shall protrude through the following recession lines</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. privacy effects; b. access to sunlight and the impacts of shading;</p>



Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point along any internal site boundary</p> <p>i. Northern Boundary: 2.5m and 55 degrees;</p> <p>ii. Western and Eastern Boundaries: 2.5 and 45 degrees;</p> <p>iii. Southern Boundaries 2.5 and 35 degrees;</p> <p>commencing at:</p> <p>iv. 3.5m above ground level at any given point along any internal site boundary up to a distance of 12m from a rear internal boundary; and</p> <p>v. 2.5m above ground level at any given point along any internal site boundary within 12m of a rear internal boundary or any internal site boundary of a rear site;</p> <p>Except that within the Residential Hanley Downs (R(HD)) Activity areas, this rule shall not apply to:</p> <p>i. Sites smaller than 380m² created by subdivision;</p> <p>ii. A medium density residential development consented under Rule 41.4.1.5;</p> <p>b. <u>In addition to a. above and notwithstanding the height limit of accessory buildings imposed by Rule 41.5.1.7(i), the maximum height of any part of a building located within 2m of an internal boundary is 4m.</u></p> <p>cb. Application of recession line rules – clarification:</p> <p>i. Gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</p> <p>de. A recession line restriction shall not apply to accessory buildings</p>	<p>c. effects upon access to views of significance;</p> <p>d. visual dominance and external appearance.</p>



Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>nor common walls shared at a boundary and parts of building that do not extend beyond the length of that wall.</p> <p>Advice Notes:</p> <p>Refer to Definitions for detail of the interpretation of recession planes, rear sites, and flat sites.</p> <p><u>For corner sites, being sites that have a frontage to more than one road, the shortest internal site boundary shall be considered the rear internal boundary.</u></p>	
	<p><i>[Note: new rule to be added to Table 6, after Rule 41.5.1.4]</i></p> <p><u>Window Sill Heights</u></p> <p><u>41.5.1.X Within the R(HD) and the R(HD-SH) Activity Areas, window sill heights above the first storey shall not be set lower than 1.5m above the floor level where the external face of the window is within 4m of an internal site boundary, except where buildings face reserves or where opaque glass is used for windows.</u></p>	<p>RD Discretion is restricted to:</p> <p>a. <u>privacy effects.</u></p>
	<p>41.5.1.6 <u>Building Setbacks (except in the Residential Hanley Downs area)</u></p> <p>Buildings for all activities, except for buildings located on sites <u>smaller than 380m² and created pursuant to subdivision Rules 27.5.175 and 27.7.5.2</u>, shall be subject to the following minimum setback rules:</p> <ol style="list-style-type: none"> a. two setbacks of 4.5m, with all remaining setbacks of 2m; or b. one setback of 6m, one setback of 3.5m and all other setbacks of 2m; <p>Except that:</p> <ol style="list-style-type: none"> i. any residential unit may encroach into a setback by up to 1m for an area no greater than 6m² provided the component of the building infringing the setback has no windows or openings; ii. accessory buildings for residential activities, including garages, may encroach into the setback where they are no more than 3.5m in height and where 	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> a. bulk, height and proximity of the building façade to the boundary; b. the impact on neighbours' amenity values; c. loss of daylight; d. access to sunlight.



Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>no windows or openings are orientated toward an internal boundary;</p> <p>iii. no setbacks are required when buildings share a common wall at the boundary.</p>	
	<p>41.5.1.7</p> <p>a. In the Residential (Hanley Downs) Activity Areas, <u>buildings for all activities, except for buildings located on sites smaller than 380m² and created pursuant to subdivision Rule 27.7.5.2, shall be subject to the following minimum setback rules;—there shall be:</u></p> <p>i. <u>one internal setback of 3m4.5m;</u></p> <p>ii. <u>a road setback of at least 3m, provided that any garage is setback at least 4.5m from the road boundary;—</u></p> <p>iii. <u>for sites fronting a single road and with a frontage exceeding 12.5m, one internal setback of 1.5m from an internal boundary that intersects with a road boundary; and</u></p> <p>iv. <u>with all remaining internal setbacks on front sites of 1m; 2m and all remaining internal setbacks on rear sites of 1.5m.</u></p> <p><u>Except that:</u></p> <p>i. <u>Accessory buildings for residential activities, including garages, may encroach into any 1m internal setback</u></p>	<p>RD Discretion is restricted to:</p> <p>a. bulk, height and proximity of the building façade to the boundary;</p> <p>b. the impact on neighbours' amenity values;</p> <p>c. shading and access to sunlight.</p>



Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>described in 41.5.1.5.7(a)(ii) where the buildings are no more than 3.5m in height and where no windows or openings are orientated toward an internal boundary;</p> <p>ii. The eaves of any residential unit may encroach into the setback by no more than 400mm;</p> <p>iii. No setbacks are required when buildings share a common wall at the boundary.</p>	
	41.5.1.9 The total gross floor area of all commercial activities, excluding associated car parking, in the R(HD)A - E Activity Areas shall not exceed 550m ² across all of that Activity Areas.	NC

Table 7	Standards for activities located in the Jacks Point Zone – Village and Education Activity Areas	Non-compliance Status
41.5.2	Village and Education Activity Areas	
	<p>Building coverage in the Jacks Point Village</p> <p>41.5.2.3 Within the Jacks Point Village JP(V) and the Homestead Bay V(HB) Activity Areas, the maximum building coverage, calculated across the total Activity Area, shall not exceed 60%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. urban design; b. effects on amenity values for neighbours and the character of the Activity Area; c. stormwater management.
	<p>Building coverage in the Homestead Bay Village</p> <p>41.5.2.X Within the Homestead Bay V(HB) Activity Area, the maximum building coverage, calculated across the total Activity Area, shall not exceed 60%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. <u>urban design</u>; b. <u>effects on amenity values for neighbours and</u>



Table 7	Standards for activities located in the Jacks Point Zone – Village and Education Activity Areas	Non-compliance Status
		<p><u>the character of the Activity Area;</u></p> <p>c. <u>stormwater management.</u></p>

Table 8	Standards for activities located in the Jacks Point Zone – Lodge Activity Area	Non-compliance Status
41.5.3	<i>[Note: clause 16 amendment]</i> Lodge Activity Areas	
	<p>Building Setback</p> <p>41.5.3.1 In Lodge Activity Area denoted as <u>L(P3)</u> on the Structure Plan, buildings and structures shall be set back a minimum of 10m from the activity area boundary.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>d. the outdoor car parking areas with respect to the effects on visual and landscape values;</p> <p>the effectiveness of mounding and planting at screening buildings and car parking and the shape and design of earthworks, including their relationship to existing landforms.</p>
	<p>Building Height</p> <p>41.5.3.2 In the Lodge (L) Activity Areas, the maximum height of any building shall be <u>5.0m</u> 7.5m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. visual dominance;</p> <p>b. external appearance;</p> <p>c. the scale and extent of the portions that exceed 5m.</p>
	<p>41.5.3.3 In the Lodge (L) Activity Area, the maximum height of any building shall be <u>7.5m</u>.</p>	NC

Table 9	Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas	Non-compliance Status
41.5.4	Open Space (OS) and Homesite (HS) Activity Areas	



Table 9	Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas	Non-compliance Status
	<p><i>[Note: new rule to be included after 41.5.4.4]</i></p> <p>41.5.4.x <u>Building within any Homesite where a requirement to comply with the Preserve Design Guidelines has been registered on the title for the Site.</u></p> <p><u>Discretion is restricted to the matters of discretion listed in 41.4.4.17.</u></p>	<p><u>RD</u></p>
	<p>Farm buildings within the Open Space Landscape (OSL) <u>Protection–Activity Area and not within a Landscape Protection Area</u></p> <p>41.5.4.9 The construction, replacement or extension of a farm building within the Open Space Landscape Activity Area shall meet the following standards:</p> <ul style="list-style-type: none"> a. the landholding the farm building shall be located within is greater than 100 ha; and 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 <u>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</u> c. <u>if located elsewhere,</u> the farm building shall be less than 5m in height and the ground floor area shall be no greater than 300m²; and d. farm buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent to which the scale and location of the farm building is appropriate in terms of: <ul style="list-style-type: none"> i. rural amenity values; ii. landscape character; iii. privacy, outlook, and rural amenity from adjoining properties; iv. visibility, including lighting; v. scale; vi. location.
	<p>Open Space Wetlands (OSW) Activity Area</p> <p>41.5.4.15 There shall be no development <u>or, landscaping, and/or earthworks within 7 metres of any wetland located within a of the Wetland Activity area identified on the Structure Plan, except to enable development of pedestrian access</u></p>	<p>NC</p>



Table 9	Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas	Non-compliance Status
	(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.	

Table 10	Standards for activities located in the Jacks Point Zone – Zone Wide Standards	Non-compliance Status
41.5.5	General Zone Wide Standards	
	Servicing 41.5.5.10 All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications. <u>(Except this Standard shall not apply within any Homesite Activity Area)</u> 41.5.5.11 All services, with the exception of stormwater systems, shall be reticulated underground.	NC

41.6 Rules – Non-Notification of Applications

[Note: clause 16 amendment to 41.6.1]

41.6.1 Any application for resource consent for a controlled activity shall not require the written approval of other persons and shall not be notified or limited notified.

41.6.2 Any application for the following activities shall not require the written approval of other persons and shall not be notified.

a. Rules 41.4.3.3 and 41.4.3.5 Buildings and tennis courts (including the addition to or construction of buildings) within the Lodge (L) Activity Areas.

41.6.3 Any application for resource consent for the following restricted discretionary activities shall be considered without public notification but notice shall be served on those persons considered to be adversely affected if written approval has not been obtained.

- a. Rule 41.4.1.8 Commercial activities, community and visitor accommodation.
- b. Rule 41.4.5.1 Sale of Liquor.
- c. Rule 41.5.1.6 Setbacks from Roads and Internal Boundaries.
- d. Rules 41.5.5.3 and 41.5.5.4 Access to the State Highway.



~~41.6.3.1 Rules 41.4.3.2 and 41.4.3.3 Buildings and tennis courts (including the addition to or construction of buildings) within the Lodge (L) Activity Areas.~~

APPENDIX 2

Amended Structure Plan for the Jacks Point Zone





FIGURE 1
Jacks Point Zone
Structure Plan for Mediation - WORKING

scale 1:25,000 (A4), 1:12,500 (A2)

Rev P 07 January 2020

- KEY**
- R(JP) Residential Jacks Point
 - R(JP-SH) Residential Jacks Point - State Highway
 - V(JP) Village Jacks Point
 - R(HD) Residential Hanley Downs
 - R(HD-SH) Residential Hanley Downs - State Highway
 - RL Rural Living

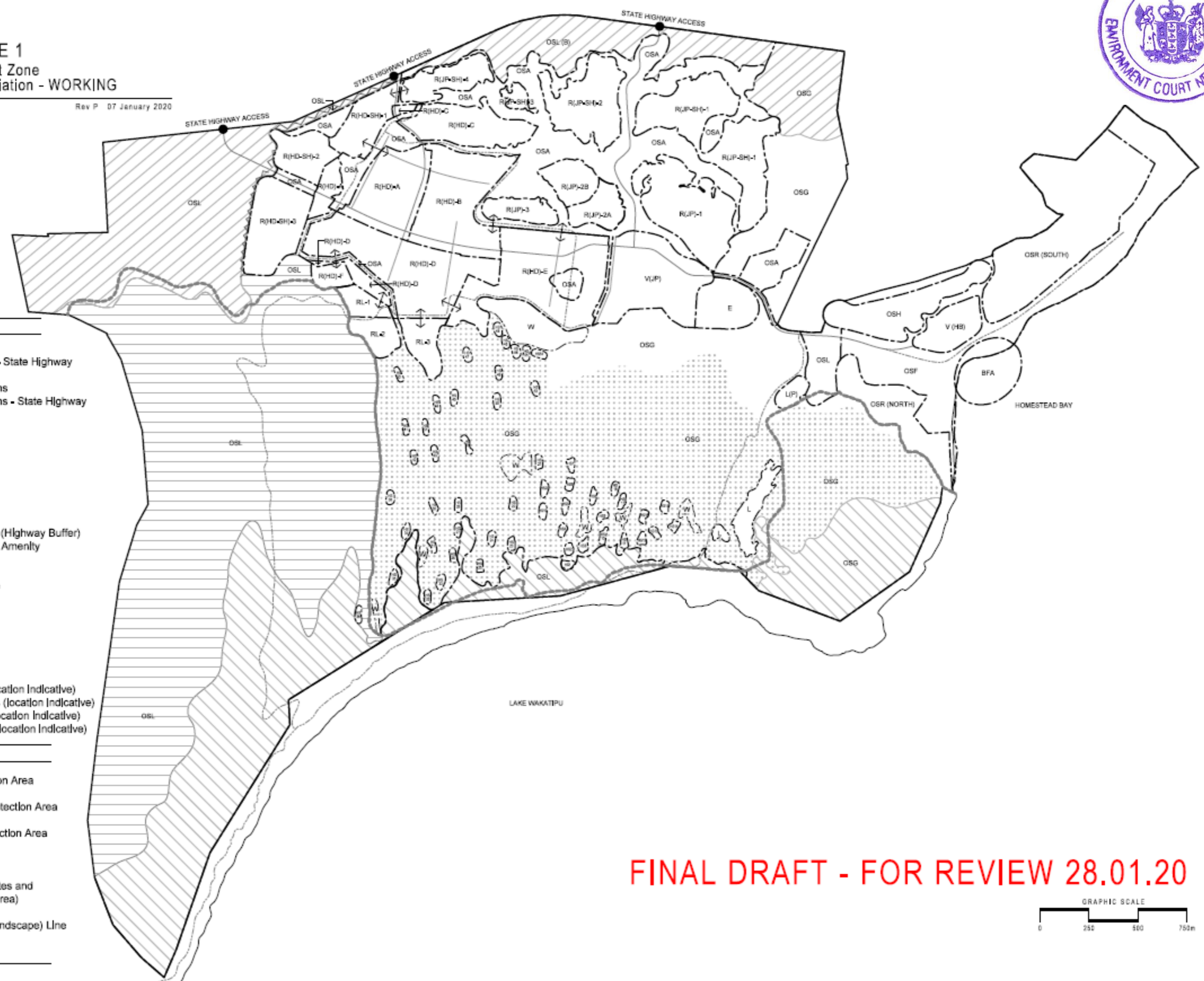
 - L Lodge
 - L(P) Lodge Parking
 - HS Preserve Homesites

 - W Wetland
 - OSG Open Space Golf
 - OSL Open Space Landscape
 - OSL (B) Open Space Landscape (Highway Buffer)
 - OSA Open Space Residential Amenity

 - V(HB) Village Homestead Bay
 - OSH Open Space Horticulture
 - OSR (NORTH) Open Space Residential
 - OSR (SOUTH) Open Space Residential
 - OSF Open Space Foreshore
 - BFA Boating Facilities Area

- Activity Area
- - - - Public Access Route (location Indicative)
- — — Secondary Road Access (location Indicative)
- — — Primary Road Access (location Indicative)
- ↔ Key Road Connections (location Indicative)

- OVERLAYS**
- Highway Landscape Protection Area
 - Peninsula Hill Landscape Protection Area
 - Lake Shore Landscape Protection Area
 - State Highway Mitigation
 - Tablelands (Includes Homesites and Wetlands within Tablelands area)
 - ONL (Outstanding Natural Landscape) Line



FINAL DRAFT - FOR REVIEW 28.01.20

