

IN THE MATTER of the Resource Management Act
1991 (the Act)

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council

BETWEEN **CONEBURN PRESERVE
HOLDINGS LIMITED
HENLEY DOWNS FARMS
HOLDINGS LIMITED
HENLEY DOWNS LAND
HOLDINGS LIMITED
JACKS POINT DEVELOPMENTS
LIMITED**
Appellants (continued over)

AND **QUEENSTOWN LAKES
DISTRICT COUNCIL**
Respondent

**JOINT MEMORANDUM OF PARTIES IN SUPPORT OF DRAFT CONSENT
ORDER**

TOPIC 22: JACKS POINT

3 March 2020

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / M G Wakefield / H Baillie
Telephone: +64-3-968 4009
Facsimile: +64-3-379 5023
Email: mike.wakefield@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

JACKS POINT LAND LIMITED
JACKS POINT NO. 2 LIMITED
JACKS POINT MANAGEMENT
LIMITED
JACKS POINT RESIDENTIAL
NO.2 LIMITED
JACKS POINT VILLAGE
HOLDINGS LIMITED
NICOLAS INDEPENDENT
TRUSTEE CO LIMITED AS
TRUSTEE OF HORIZONS
INVESTMENT TRUST
WILD GRASS PARTNERSHIP
WILD GRASS INVESTMENTS
NO. 1 LIMITED
WILLOW POND FARM LIMITED
Appellants

BETWEEN

ALEXANDER AND JAYNE
SCHRANTZ
CLIVE AND SALLY GEDDES
CONEBURN PRESERVE
HOLDINGS LIMITED
ELEANOR AND RICHARD
BRABANT
HENLEY DOWNS FARMS
HOLDINGS LIMITED
HENLEY DOWNS LAND
HOLDINGS LIMITED
HOMESTEAD BAY TRUSTEES
LIMITED
JACKS POINT DEVELOPMENTS
LIMITED
JACKS POINT LAND LIMITED
JACKS POINT LAND NO. 2
LIMITED
JACKS POINT MANAGEMENT
LIMITED
JACKS POINT RESIDENTIAL
NO. 2 LIMITED
JACKS POINT RESIDENTS AND
OWNERS ASSOCIATION
JACKS POINT VILLAGE
HOLDINGS LIMITED
JARDINE FAMILY LAND
PARTNERSHIP
JOAN WILLIAMS
JOANNA AND SIMON
TAVERNER
QUEENSTOWN PARK LIMITED
REMARKABLES PARK LIMITED
REMARKABLES STATION
LIMITED
SOUTHERN BEAVER LIMITED
WEI HENG FONG
WILLOW POND FARM LIMITED
Section 274 parties

MAY IT PLEASE THE COURT

Introduction / The Parties

1. The Queenstown Lakes District Council (**Council**) notified its decisions on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**) on 7 May 2018.
2. The following parties lodged appeals with the Environment Court that are addressed in this joint memorandum, parts of which were allocated, or transferred, to Topic 22 – Jacks Point (**Topic 22**):
 - 2.1 The Jacks Point Entities;¹
 - 2.2 Otago Regional Council;²
 - 2.3 The RCL Entities;³ and
 - 2.4 The Wild Grass Entities.⁴
3. A total of twenty-six (26) parties gave notice of their intention to join the parts of the above appeals allocated to Topic 22.
4. The Environment Court directed that Court-assisted mediation for Topic 22 take place across 4 November to 7 November and 11 November to 14 November 2019.⁵ The provisions directed to be mediated were those included in Chapter 41, certain provisions in Chapter 27 and the relevant PDP plan maps.
5. Twenty-three (23) of the section 274 parties gave notice of their intention to participate in mediation,⁶ being:
 - 5.1 Alexander and Jayne Schrantz;
 - 5.2 The Jacks Point Entities;
 - 5.3 Jacks Point Residents and Owners Association;
 - 5.4 Clive and Sally Geddes;

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

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 & others (**The Wild Grass Entities**).

5 Notice of Mediation dated 3 October 2019.

6 The remaining three (3) section 274 parties either withdrew, or confirmed that they had no interest in the appeal points proceeding to mediation, ahead of mediation commencing.

- 5.5 Joan Williams;
- 5.6 Eleanor and Richard Brabant;
- 5.7 Joanna and Simon Taverner;
- 5.8 Otago Regional Council;
- 5.9 Queenstown Park Limited;
- 5.10 Remarkables Station Limited & Jardine Family Land Partnership;
- 5.11 The University of Otago Foundation Trust;
- 5.12 Tim and Paula Williams;
- 5.13 Wei Heng Fong; and
- 5.14 The Wild Grass Entities.

- 6. Tim and Paula Williams, section 274 parties to the Jacks Point appeal, withdrew their interest in Topic 22 before mediation commenced.
- 7. Part of the appeal lodged by Otago Regional Council (**ORC**) against Council's Stage 1 decisions was transferred to Topic 22 as an outcome of Court-assisted mediation for Topic 7 - Subdivision. ORC's interest in Topic 22 was confined to the matter of subdivision within the Jacks Point Zone, and was resolved by way of a separate consent memorandum dated 4 November 2019, as discussed further below.

Agreements reached ahead, or at the outset, of mediation

- 8. There are three other joint memoranda relating to Topic 22 which the parties respectfully request are considered alongside this memorandum. These other memoranda were agreed and signed either prior to, or during, mediation for Topic 22, and address specific appeal points lodged by
 - 8.1 The RCL Entities, with the resulting memorandum, dated 1 November 2019, currently sitting with the Court;
 - 8.2 The Jacks Point Entities, with the resulting memorandum, dated 4 November 2019, filed for the first time alongside this memorandum; and
 - 8.3 ORC, with the resulting memorandum, dated 4 November 2019, also filed for the first time alongside this memorandum.

9. By way of further explanation:

9.1 The **RCL Entities** memorandum (and attached draft consent order) resolves appeal points primarily concerned with land owned by the RCL Entities. It was filed with the Environment Court with a request from the relevant parties that it be held until such time as any other consent documentation is filed in relation to Topic 22.

9.2 The **Jacks Point Entities** memorandum largely concerns technical amendments to both the Topic 22 provisions (Chapters 27 and 41) and Jacks Point Structure Plan. That memorandum has been executed by all relevant parties and describes the amendments proposed, and basis for them, in the attachment to that memorandum.

9.3 The **ORC memorandum** resolves the part of the ORC appeal as it relates to the Jacks Point Zone, by way of amendments to two provisions in Chapter 27 – Subdivision, both of which relate to the Jacks Point Zone and the consideration of natural hazard risk. As this part of the ORC appeal was transferred to Topic 22 at a late stage, after the close of the section 274 period for Stage 1 appeals, only those parties who consider that they have an interest in the relief sought have signed the ORC joint memorandum. The parties agree that sufficient opportunity was provided to all existing Topic 22 parties, as well as the section 274 parties to the ORC appeal, to have input into the amendments agreed.

Four memoranda, one draft consent order for approval

10. In order to streamline the Court's consideration of the agreements reached ahead of, or during, Court-assisted mediation for Topic 22, the parties have agreed to consolidate the agreed amendments into one iteration of the Chapter 27 and 41 provisions, and file those provisions along with an updated version of the Jacks Point Structure Plan. All agreed amendments are shown in **Appendices 1 and 2** to the draft consent order attached as **Attachment A** to this memorandum, and reflect all amendments explained in memoranda described above in paragraph 9, as well as this memorandum.

11. As all agreed amendments have been consolidated into one draft consent order, the Court does not need to separately approve the draft consent order filed with the RCL Entities memorandum on 1 November 2019.
12. The parties do, however, respectfully request that the Court consider the reasons expressed in all four memoranda, in approving the draft consent order at Attachment A.

Agreements reached at mediation recorded in this joint memorandum

13. During Court-assisted mediation, the parties in attendance identified a means by which a number of appeal points lodged by the following parties, as allocated to Topic 22, could be resolved by consent:

13.1 The Jacks Point Entities; and

13.2 The Wild Grass Entities.

14. This included agreement on appropriate amendments to a number of the provisions allocated to Topic 22, including new provisions sought to be added, and the Jacks Point Structure Plan. All section 274 parties have agreed insofar as they have an interest in the appeal points subject to this agreement.

15. The Jacks Point Entities and Wild Grass Entities appeal points resolved by way of this joint memorandum, and the amendments agreed by the parties, are as follows:

Subtopic 2 – Open Space

15.1 Appeal point recorded at page 17 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-030, by way of an amendment to Rule 41.4.4.16, including a change to the activity status to Restricted Discretionary and agreement of appropriate matters of discretion;

15.2 Appeal point recorded at page 26 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-032, by way of the inclusion of a new activity rule as 41.5.4.X, and supporting matters of discretion in the event of non-compliance;

- 15.3** Appeal point recorded at page 25 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-044, by way of amendment to Rule 41.5.4.9 (Row 18);

Subtopic 5: Lodge Activity Areas

- 15.1** Appeal point recorded at paragraph 19 of the notice of appeal filed by Wild Grass, allocated reference ENV-2018-CHC-074-001, by way of an amendment to Policy 41.2.1.30;
- 15.2** Appeal point recorded at paragraph 20 of the notice of appeal filed by Wild Grass, allocated reference ENV-2018-CHC-074-002, by way of an amendment to rule 41.5.3.2;
- 15.3** Appeal point recorded at paragraph 21 of the notice of appeal filed by Wild Grass, allocated reference ENV-2018-CHC-074-003, by way of an amendment to rule 41.4.3.1;
- 15.4** Appeal point recorded at paragraph 21 of the notice of appeal filed by Wild Grass, allocated reference ENV-2018-CHC-074-003, by way of the inclusion of a new rule 41.4.3.2;
- 15.5** Appeal point recorded at paragraph 22 of the notice of appeal filed by Wild Grass, allocated reference ENV-2018-CHC-074-004, by way of an amendment to rule 41.6.2;

Subtopic 10: Structure Plan

- 15.6** Appeal point recorded at page 31 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-048, as it relates to the inclusion of the R(HD-SH)-3 Activity Area in the location shown in Appendix B to the Jacks Point Entities appeal, and the inclusion of the annotation for state highway mitigation along the northern boundary of the R(HD-SH)-3 Activity Area;
- 15.7** Appeal point recorded at page 31 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-048, as it relates to the inclusion of an OSA Activity Area along both sides of Woolshed Road (54 metres wide in total);
- 15.8** Appeal point recorded at page 31 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-

2018-CHC-137-048, as it relates to the Rural Living Activity Area, and an amendment to the Structure Plan to demark them as RL-1, RL-2 and RL-3, due to the distinct land ownership;

15.9 Appeal point recorded at page 32 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-048, as it relates to the reinstatement of the Open Space Landscape Activity Area owned by the Jacks Point Residents and Owners Association alongside State Highway 6, and appropriate amendments to related Chapter 41 provisions applying to that area;

15.10 Appeal point recorded at page 34 of Appendix A to the notice of appeal filed by the Jacks Point Entities, allocated reference ENV-2018-CHC-137-048, as it relates to the removal of the Tablelands Landscape Protection Area from the Lodge Activity Areas and amendment of the annotation of the L(3) Activity Area to L(P);

16. The amended Chapter 41 provisions agreed by the parties are set out in **Appendix 1** to the attached draft consent order. The amended Jacks Point Structure Plan is included as **Appendix 2** to the attached draft consent order.

17. For completeness, Appendices 1 and 2 to the attached draft consent order show all amended provisions agreed to in the context of Topic 22 (colour coded as follows: RCL Entities – blue shading, Jacks Point Entities – green, ORC – red, Wild Grass – grey).

Appeal points resolved without any associated amendments

18. During mediation, the following appeal points were resolved by way of an agreement to withdraw / not pursue the relevant relief. The Jacks Point Entities respectfully seek that the Environment Court record the formal withdrawal of the following appeal points, without the need for a separate memorandum to that effect:

Subtopic 2 – Open Space

18.1 Appeal point allocated reference ENV-2018-CHC-137-014, in relation to Policy 41.2.1.24;

- 18.2 Appeal point allocated reference ENV-2018-CHC-137-024, in relation to Activity Rule 41.4.4.4;
- 18.3 Appeal point allocated reference ENV-2018-CHC-137-025, in relation to Activity Rule 41.4.4.5;
- 18.4 Appeal point allocated reference ENV-2018-CHC-137-026, in relation to Activity Rule 41.4.4.6;
- 18.5 Appeal point allocated reference ENV-2018-CHC-137-027, in relation to Activity Rule 41.4.4.7;
- 18.6 Appeal point allocated reference ENV-2018-CHC-137-029, in relation to Activity Rule 41.4.4.10;
- 18.7 Appeal point allocated reference ENV-2018-CHC-137-031, in relation to Activity Rule 41.4.4.17;
- 18.8 Appeal point allocated reference ENV-2018-CHC-137-043, in relation to 41.5.4.2;

Subtopic 6 - Residential Activity Areas

- 18.9 Appeal point allocated reference ENV-2018-CHC-137-010, in relation to 41.2.1.18;
- 18.10 Appeal point allocated reference ENV-2018-CHC-137-018, in relation to 41.4.1.6;
- 18.11 Appeal point allocated reference ENV-2018-CHC-137-035, in relation to 41.5.1.1;
- 18.12 Appeal point allocated reference ENV-2018-CHC-137-037, in relation to 41.5.1.5.

Other

- 18.13 The relief inadvertently sought by the Jacks Point Notice of Appeal to the ONL boundary line relative to Jardine's (Jacks Point) Hill.

Amendments meet the relevant RMA requirements

- 19. The Parties to this joint memorandum agree that the draft consent order and agreed amendments, set out in **Appendices 1 and 2** to the draft consent order, settle the parts of the Jacks Point Entities and Wild Grass appeals outlined in paragraph 15 above.⁷

⁷ The parties note that the other joint memoranda confirm this same position in relation to the other agreed amendments recorded in Appendices 1 and 2.

20. The Parties are satisfied that the agreed amendments, proposed for the Court's endorsement, are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including in particular Part 2.
21. The parties therefore respectfully request that the Court dispose of the relevant appeal points outlined in paragraphs 15 by approving the agreed amended provisions and amended Jacks Point Structure Plan appended to the attached draft consent order, and dispose of the appeal points recorded in paragraph 18 by confirming their withdrawal.
22. For completeness, in issuing the attached draft consent, the parties respectfully request that the Court also consider the reasons and assurances given in the:
- 22.1 RCL Entities memorandum;
 - 22.2 Jacks Point Entities memorandum; and
 - 22.3 ORC memorandum.
23. No party has any issue as to costs.

Unresolved appeal points

24. The parties wish to record that a number of appeal points remain unresolved after mediation.
25. The relevant parties to those unresolved appeal points will jointly report to the Court with proposed timetable directions, with a view to bringing those points to a hearing in mid-2020.
26. In order to assist the Court, the unresolved appeal points relate to a range of matters, including:
- 26.1 certain provisions within Chapter 41 – Jacks Point related to: the Open Space Activity Areas and the Village Activity Area, which are not considered to impact the Court's consideration and approval

of the provisions contained in Annexures 1 and 2 of the draft consent order;

- 26.2** 17 additional homesites included by Council's Stage 1 decisions within the Tablelands, as compared to the notified version of the Structure Plan. These additional homesites, which are outlined in green in Figure 1 below, remain subject to appeals seeking their deletion and cannot be approved by the Court. In addition, there are appeal points seeking relief in relation to the provisions applying to the Tablelands, which remain unresolved; and
- 26.3** the policy approach and spatial extent of the Peninsula Hill Landscape Protection Area (**PHLPA**), with relief seeking the: inclusion of homesites within the PHLPA, an alteration of the Outstanding Natural Landscape boundary to the south of Peninsula Hill (which separates the PHLPA and Tablelands), and amendments or new policies applying within the PHLPA. As a result of this unresolved relief, the parties are not seeking that the area shaded orange is approved by the Court, or that PDP maps 13 or 41 are amended at this time.

Figure 1: 17 additional homesites that remain subject to appeal.

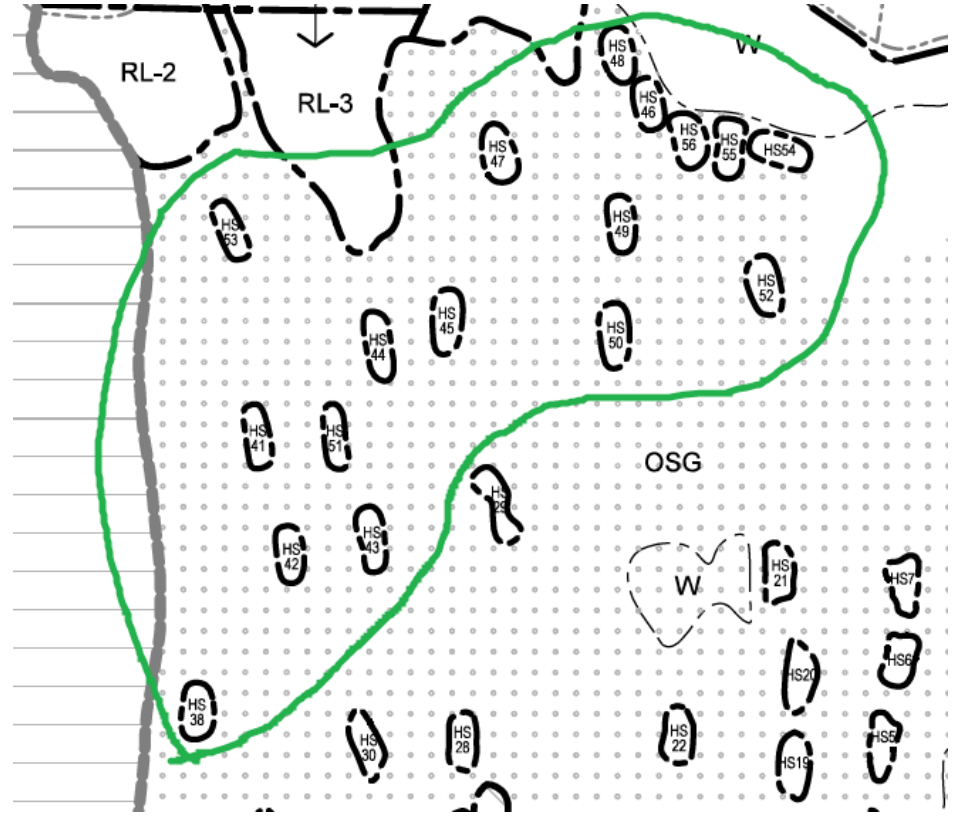
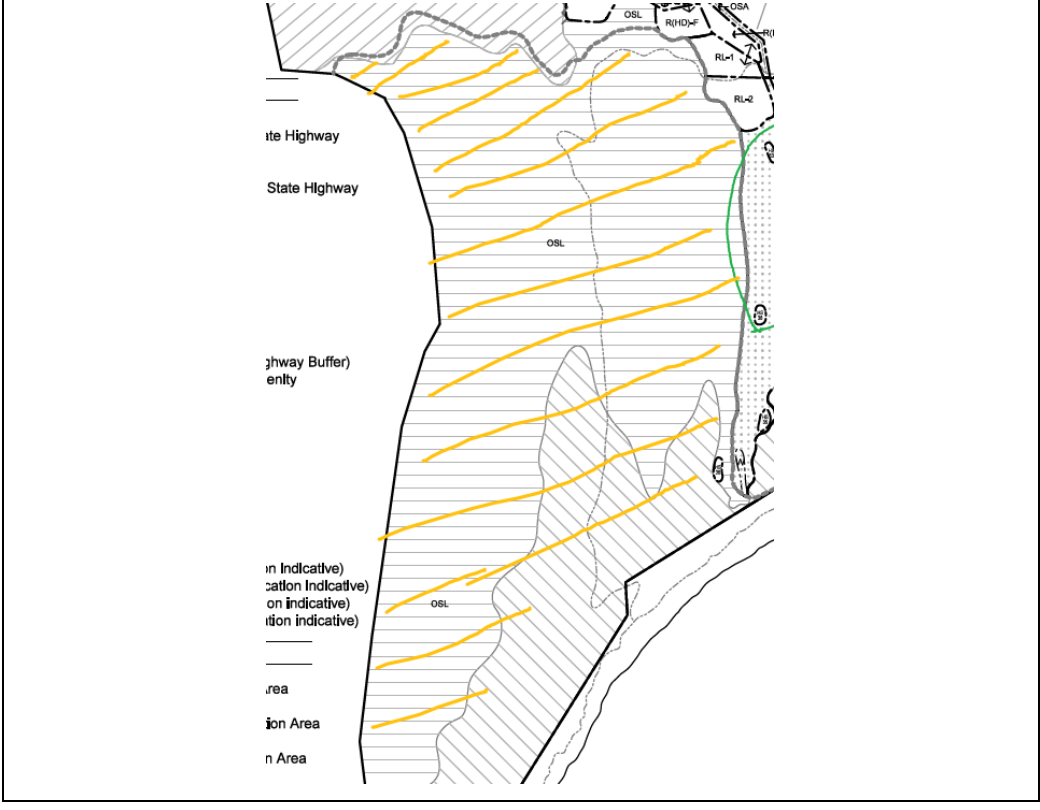


Figure 2: Area of the PHLPA where there remain live appeal points



27. On the basis of the above, the parties to this joint memorandum do not see any reason why the Court cannot approve the resolution of the appeal points outlined in paragraph 15 and the withdrawal of the appeal points recorded in paragraph 18 at this stage, despite their being unresolved appeal points allocated to Topic 22. The parties agree that the unresolved appeal points relate to matters that are distinct from the points recorded in paragraphs 15 and 18, and should not impact on the Court's disposal of all other relief.

DATED this day of February 2020



Counsel for Queenstown Lakes District
Council
(Respondent)



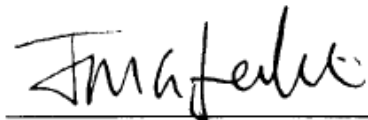
Counsel for Alexander and
Jayne Schrantz
(Appellant and Section 274
party)



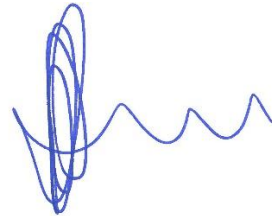
Counsel for Jacks Point
(Appellant and Section 274 party)



Counsel for Homestead Bay
Trustees Limited
(Appellant and Section 274
party)



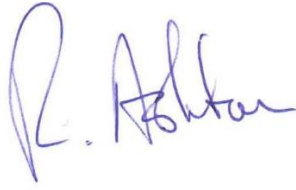
Counsel for Wild Grass
(Appellant)



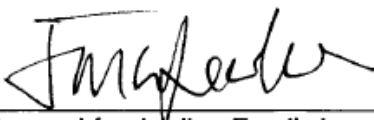
Counsel for Clive and Sally
Geddes, Eleanor and Richard
Brabant, Joanna and Simon
Taverner, Joan Williams
(Section 274 party)



Counsel for Wei Heng Fong
(Appellant and Section 274 party)



Counsel for Remarkables Park Limited,
Queenstown Park Limited
(Section 274 party)



Counsel for Jardine Family Land
Partnership, Remarkables Station
Limited, Otago University
(Section 274 party)

Attachment A: Draft consent order

ATTACHMENT A

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

ENV-2018-CHC-093-150

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN

**JACKS POINT & OTHERS
RCL QUEENSTOWN PTY
LIMITED & OTHERS
OTAGO REGIONAL COUNCIL
WILD GRASS & OTHERS**
Appellants

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge Hassan sitting alone under section 279 of the Act **IN CHAMBERS** at CHRISTCHURCH

DRAFT CONSENT ORDER

TOPIC 22 – JACKS POINT

Introduction

- 28.** The Court has read and considered the notices of appeal filed by the following parties against the decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Topic 22 – Jacks Point:

- 28.1 The Jacks Point Entities;⁸
- 28.2 Otago Regional Council;⁹
- 28.3 The RCL Entities;¹⁰
- 28.4 The Wild Grass Entities.¹¹

29. The Court has considered the memorandum filed by the above parties dated 1 November 2019 (RCL Entities), 4 November 2019 (Jacks Point Entities and ORC), and 3 March 2020 (Jacks Point and Wild Grass Entities), in which the parties respectfully request that the Court approve the resolution of the appeal points and agreed amended provisions outlined in the respective memoranda, and collectively shown in the amended provisions and Jacks Point Structure Plan attached to the joint memorandum dated 3 March 2020.
30. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
- 30.1 all parties to the proceeding have executed the memorandum requesting this order; and
 - 30.2 all parties are satisfied that all matters proposed for the Court's endorsement are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.

Order

31. Therefore, the Court orders, by consent, that the provisions of Chapters 27 and 41, and the Jacks Point Structure Plan, of the Proposed

8 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**).

9 ENV-2018-CHC-079.

10 ENV-2018-CHC-102: RCL Queenstown Pty Limited, RCL Henley Downs Limited, RCL Jacks Point Limited

11 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 & others (**The Wild Grass Entities**).

APPENDIX 1
(amendments shown in underline and ~~striethrough~~ 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

Zone		Minimum Lot Area
		within the zone shall have an average of 4000m ² .
	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>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.</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 visitor ~~travellers~~ 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> <ul style="list-style-type: none"> a. external appearance; b. access and car parking; c. traffic generation effects; d. associated earthworks; e. landscaping; f. effects on adjacent sites that are not part of the medium density residential development being applied for; g. bulk and location; h. legal mechanisms proposed in relation to building bulk and location. 	RD

Table 1	Activities Located in the Jacks Point Zone	Activity Status
	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.	

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

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

Table 4	Activities Located in the Jacks Point Zone – Open Space and Homesite Activity Areas	Activity Status
	<p>[Note: New rule to be included after Rule 41.4.4.5]</p> <p><u>Open Space Landscape (OSL) (Highway Buffer) Activity Area</u></p>	<u>P</u>

	<u>41.4.4.x Sheep farming, endemic revegetation, and pedestrian and cycle trails.</u>	
	Open Space Landscape (OSL) Activity Area 41.4.4.5 <u>a. Any building within a Landscape Protection Area, or</u> <u>b. any building other than a building ancillary to farming activity.</u>	D
	Open Space Residential Amenity (OSA) Activity Area 41.4.4.8 Any buildings within the Highway Landscape Protection Area.	P
	<u>Open Space Residential Amenity (OSA) Activity Area</u> 41.4.4.9 Recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention, and underground services	
	Open Space Wetland (OSW) Activity Area 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. <u>Discretion is restricted to:</u> <u>a. bulk and location;</u> <u>b. lighting;</u> <u>c. biodiversity values (temporary during construction and long term);</u> <u>d. external appearance (including colour and materials);</u> <u>e. amenity values;</u> <u>f. stormwater disposal; and</u> <u>g. landscaping in relation to any structures.</u>	<u>RDD</u>
	<i>[Note: clause 16 amendment]</i> Homesite (HS) Activity Area 41.4.4.17 No more than one residential building located within a Homesite (HS) Activity Area. Control is reserved to: a. the external appearance of buildings with respect to the effect on visual and landscape values of the area;	C

	<ul style="list-style-type: none"> 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>	NC

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									
	<p>Density</p> <p>41.5.1.1 The average density of residential units within each of the Residential Activity Areas shall be as follows:</p> <table style="margin-left: 40px;"> <tr> <td>R(JP) – 1</td> <td>13 – 19 per Ha</td> </tr> <tr> <td>R(JP) – 2A</td> <td>14 – 33 per Ha</td> </tr> <tr> <td>R(JP) – 2B</td> <td>14 – 15 per Ha</td> </tr> <tr> <td>R(JP) – 3</td> <td>14 per Ha</td> </tr> </table>	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	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. residential amenity values;
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									

Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>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>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 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>RD</p> <p>Discretion is restricted to:</p> <p>a. privacy effects; b. access to sunlight and the impacts of shading; c. effects upon access to views of significance;</p>

Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>ii. Western and Eastern Boundaries: 2.5 and 45 degrees;</p> <p>iii. Southern Boundaries 2.5 and 35 degrees;</p> <p><u>commencing at:</u></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>c. 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>d. A recession line restriction shall not apply to accessory buildings 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>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>Refer to Definitions for detail of the interpretation of recession planes, <u>rear sites, and flat sites.</u></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><u>41.5.1.6 Building Setbacks (except in the Residential Hanley Downs area)</u></p> <p>Buildings for all activities, except for buildings located on sites smaller than 380m² and created pursuant to subdivision Rules 27.5.175 and 27.7.5.2, 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 no windows or openings are orientated toward an internal boundary; iii. no setbacks are required when buildings share a common wall at the boundary. 	<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.
	<p><u>41.5.1.7</u></p> <p>a. <u>In the Residential (Hanley Downs) Activity Areas, buildings for all activities, except for buildings</u></p>	<p>RD Discretion is restricted to:</p>

Table 6	Standards for activities located in the Jacks Point Zone - Residential Activity Areas	Non-compliance Status
	<p>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:</p> <ul style="list-style-type: none"> i. one internal setback of 3m4.5m; ii. a road setback of at least 3m, provided that any garage is setback at least 4.5m from the road boundary;- iii. 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 iv. with all remaining internal setbacks on front sites of 1m; 2m and all remaining internal setbacks on rear sites of 1.5m. <p>Except that:</p> <ul style="list-style-type: none"> i. Accessory buildings for residential activities, including garages, may encroach into any 1m internal setback 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; ii. The eaves of any residential unit may encroach into the setback by no more than 400mm; iii. No setbacks are required when buildings share a common wall at the boundary. 	<ul 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. shading and access to sunlight.
	<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 550m² across all of that Activity Areas.</p>	<p>NC</p>

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

Table 7	Standards for activities located in the Jacks Point Zone – Village and Education Activity Areas	Non-compliance Status
		character of the Activity Area; c. stormwater management.
	<u>Building coverage in the Homestead Bay Village</u> 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%.	RD <u>Discretion is restricted to:</u> a. urban design; b. effects on amenity values for neighbours and the character of the Activity Area; c. stormwater management.

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	
	Building Setback 41.5.3.1 In Lodge Activity Area denoted as L(P3) on the Structure Plan, buildings and structures shall be set back a minimum of 10m from the activity area boundary.	RD Discretion is restricted to: d. the outdoor car parking areas with respect to the effects on visual and landscape values; 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.
	Building Height 41.5.3.2 In the Lodge (L) Activity Areas, the maximum height of any building shall be <u>5.0m</u> 7.5m .	RD Discretion is restricted to: a. visual dominance; b. external appearance; c. the scale and extent of the

Table 8	Standards for activities located in the Jacks Point Zone – Lodge Activity Area	Non-compliance Status
		portions that exceed 5m.
	41.5.3.3 <u>In the Lodge (L) Activity Area, the maximum height of any building shall be 7.5m.</u>	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	
	<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>	RD
	<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> <ol 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 <ul style="list-style-type: none"> <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 	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the extent to which the scale and location of the farm building is appropriate in terms of: <ol 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.

Table 9	Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas	Non-compliance Status
	<p>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>	
	<p>Open Space Wetlands (OSW) Activity Area</p> <p>41.5.4.15 There shall be no development <u>or</u>, landscaping, <u>and/or earthworks</u> within 7 metres of any wetland located within a <u>of the</u> 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.</p>	NC

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

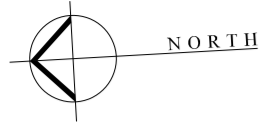
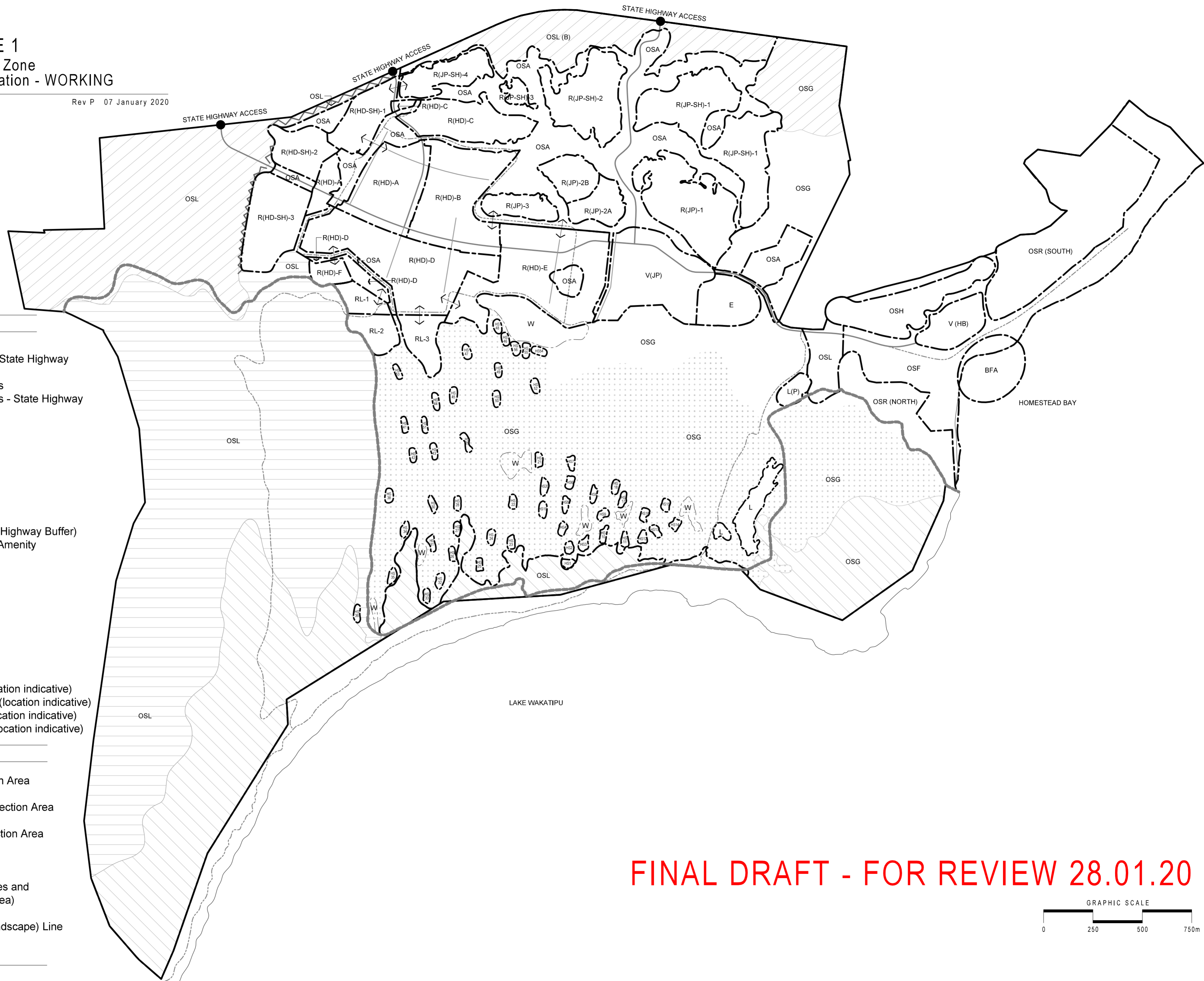


FIGURE 1
Jacks Point Zone
Structure Plan for Mediation - WORKING

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

