

**Before the Queenstown Lakes District Council Hearings Panel**

**Under** the Resource Management Act 1991 (**Act**)  
**In the Matter** of the Queenstown Lakes Proposed District Plan  
(Stage 1)  
**And**  
**In the Matter** of submissions and further submissions on the  
proposed Jacks Point zone

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**Submissions of Richard Brabant for Jack's Point Residents**

**Chapter 41 – Jacks Point Zone**

**Dated 17 February 2017**

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## Introduction

1. These submissions are intended to support the evidence of a number of Jack's Point residents who share a common vision about what the Jacks Point settlement is, and how development of it should be completed in order to realise the "*original vision*" that its lead designer John Darby has so often spoken about and is described in material I have referenced in my evidence and which can be still found on the Jacks Point website.
2. It may be that this Council is persuaded to embark on major urban expansion and if you find as a Panel that is appropriate – indeed necessary – then no doubt there will be provision for considerable expansion of urban built development and provision for intensification of some existing residential areas. But in my submission the master-planned Jacks point settlement is not such an area. I submit it should not have been included within the definition of "*urban development*" in Chapter 2 of the proposed District Plan. In paragraph 2.3 of the submissions for the Council reference is made to the definition of *urban development*. By reference to the definition I submit that the Jacks Point settlement as designed and substantially established is not "*of an urban character typically associated with urban areas*". In that respect it is notable that the Millbrook settlement is excluded, as should be Jacks Point. Both these developments were designed around a golf course facility with associated visitor accommodation and facilities. The Council submissions identify both locations as being provided for in the Resort Chapters.
3. It may be, as the Council's landscape expert has suggested, that the more intensive form of residential development (that does not share any of the distinctive features of the Jack's Point settlement) already underway on the Hanley Downs land is the beginning of a large area of "conventional" urban development that will extend North utilising the current open farmland adjoining SH 6. The part- consented first stage of subdivision of the Hanley Downs land has the intensity visual character trip generation design and appearance of urban character. Jacks Point settlement as designed, laid out and substantially completed does not have an urban character typically associated with

urban areas – as stated in the Operative Zone provisions:

“The protection of visual amenity and landscape values are of critical importance in the development of the zone and its successful integration into the wider outstanding natural landscape. This is achieved in part through the Structure Plan and in part through the external appearance, bulk and location of buildings constructed within the zone.”<sup>1</sup>

The Operative Plan provisions for the Resort Zones commences by referring to the Millbrook Resort and Jacks Point in the following way:

“The Council recognises the potential of the Millbrook Resort and Jacks Point to contribute to visitor and economic development within the District. This will arise from increased employment and visitor activity generated by the zones. Both zones provide for golf courses and a range of outdoor and indoor sporting and recreational activities. In Millbrook Resort hotel and other visitor accommodation exist along with support facilities and services. Similar developments are proposed for Jack’s Point. The Resort zone recognises the special amenities of the rural area in which the development is located and provides for the on-going implementation of the activities of the resort.”<sup>2</sup>

4. My evidence refers to reverting to the notified PC 44 Henley Downs zone provisions for the RCL owned land and that is certainly an option. The other option is to simply utilise an appropriate residential zone such as applied to residential development at the Lake Hayes Estate, if you are satisfied that this residential subdivision is the precursor to much more substantial development extending towards Frankton.
5. I understand that the Jardine Family Trust/Remarkables Station Ltd submission<sup>3</sup> seeking the opportunity for a substantial expansion of the limited opportunity for residential and Village development at Homestead Bay in the existing Jack’s Point zone provisions is not being addressed at this hearing. Certainly there is no evidence provided of the nature and extent that would be required to support such a major expansion opportunity. I can make no further reference to that submission and for the purposes of today’s hearing have treated the development opportunity at Homestead Bay as that contained in the

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<sup>1</sup> Chapter 12 ODP, Explanation and Principal Reasons for Adoption page 12 - 7

<sup>2</sup> Chapter 12 ODP, 12.1.1 i, page 12 - 1

<sup>3</sup> 715

Operative provisions for Jacks Point zone. In my submission the request for substantial development expansion should be refused.

6. If you accept the contention the Hanley Downs residential subdivision should not be included within the Jack's Point zone, whether the Henley Downs residential development areas are transferred into a separate special zone or zoned residential by reference to other residential zones provided for in the proposed District Plan, the open space land now owned by Jacks Point commercial interests should be retained within the Jack's Point zone. In respect of those areas (previously notated FP – 1, FP – 2), their reclassification to open space<sup>4</sup> and the provisions now proposed by the Council and I understand now agreed with the Developer to enable some limited form of residential development by identification of discrete Preserve Homesites is not opposed. The detail as to how this development opportunity would be achieved whilst recognising the outstanding landscape and public access values that should not be subject to compromise is important, and I have endeavoured to address this in the reviewed zone provisions that are Appendix A to these submissions.
7. The RCL proposal for creating a new development opportunity on the OSL land adjoining existing Jack's Point residential neighbourhoods and community facilities is opposed by Jacks Point interests as well as Jacks Point residents and the Council. As Mr Coburn has identified the development opportunity is nebulous given the commitment of a large portion of the land to essential wastewater infrastructure. The proposal must be dismissed. The presence of this vital infrastructure explains why the Master plan for Jacks Point identified a 9 hole golf course on this location, as this activity can be accommodated where treated wastewater is being disposed of by sub- surface irrigation, as designed by Darby Partners and in operation for nearly 10 years at the Omaha Beach golf course north of Auckland.
8. Development of the Jack's Point Village in the form and to the extent originally proposed is not opposed indeed supported. All residents who

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<sup>4</sup> The FP-2 land should be notated O/S using the classification and permitted activities from the ODP zone provisions- pastoral and arable farming and endemic revegetation.

have purchased sections or established dwellings in the settlement are aware or should be that the development of the Village is an integral part of the settlement design- as with the proposed Lodge development. The proposed expansion promoted by Jacks Point commercial interests is another matter. That is not only an “unplanned” and substantial proposed addition to the Village, but for some reason the Jacks Point commercial interests have made no reference to the effect of such an expansion on a key part of the Jack’s Point golf course facility. The existing golf practice facilities are integral with and essential to a golf course of international standard. I have seen no explanation as to how this expansion could proceed and the golf course still be provided with appropriate high-quality practice facilities. Indeed, as a member of the golf club my expectation is there would be further development in this area beyond the existing driving range and practice putting green to include other practice areas as are available at other comparable international quality golf courses in New Zealand and Australi

### **National Policy Statement – Urban Development Capacity 2016**

9. The National Policy Statement on Urban Development Capacity 2016 (**NPS-UDC**) recognises the national significance of urban environments and the need to provide sufficient development capacity to achieve the purpose of the RMA.
10. Section 75(3)(a) RMA requires the Proposed District Plan to “give effect to” all National Policy Statements. The phrase to “give effect to” is to be interpreted as to “implement”.<sup>5</sup> The NPS-UDC outlines the timeframes in which the objectives and policies are to be implemented by local authorities.<sup>6</sup> When making planning decisions that affect an urban environment, local authorities are required to implement the NPS-UDC objectives immediately.
11. While the NPS-UDC must be implemented by local authorities, in my submission it cannot trump s 6 RMA matters of national importance. The ODP Chapter 12 provisions make specific reference to the (then

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<sup>5</sup> *Environmental Defence Society v New Zealand King Salmon Ltd* [2014] NZSC 38 at [77].

<sup>6</sup> Page 17.

proposed) Jack's Point settlement location, and the need for protection of visual amenity and landscape values in the development of the zone. Also, through appropriate development of the proposed settlement the opportunity to enhance public access to the shores of Lake Wakatipu. In my submission, these values were reflected in the ODP objectives and policies and development controls (and should remain at the forefront of the PDP objectives and policies) including the key provision ensuring no more than 5% of the settlement land area would be utilised for built development.

12. In the UDC under the heading National Significance the NPS identifies the national significance of:
  - a. urban environments and the need to enable such environments to develop and change; and
  - b. providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
13. In relation to "giving effect to" the UDC NPS I submit there is a broad policy context which will lead to the introduction of appropriate objectives and policies in Regional Policy Statements and in District Plans relating to intensification and growth in urban areas. Whilst I accept that the directives of this NPS are also to be given effect to at the zoning level of plan provisions, in my submission the UDC document focuses attention on cities and towns, not villages or resort settlements.
14. Further, the provision of a Special zone for Jacks Point in the PDP must be viewed in context. That context is the inclusion of a Special zone (through Variation 16) in the ODP, anticipating development of the Jacks Point settlement in the manner provided for by the objective and policies applying at Jack's Point. When settling on appropriate plan provisions in the PDP and considering the prospect of providing for additional residential capacity, the particular environment in which the settlement is located and the extent to which the settlement development is now established should be taken account of. It is for these reasons I submit that the UDP provisions are not applicable within the Jack's Point zone

(even if the Hanley Downs residential area is retained within the zone) because the Jacks Point settlement, like the Millbrook settlement, should be excluded from the definition in Chapter 2. In any event it would be inappropriate to apply the considerations of Development Capacity in the UDP to Jack's Point, given the extent to which the settlement pattern subdivision layout and housing development has been completed.

#### **Plan Change 44**

15. The submissions for the Council make reference to PC 44 and refers to there being 3 appeals remaining before the Environment Court. Reference is also made to a proposed settlement through consent order.
16. I am familiar with the situation relating to appeals on PC 44, having filed a s 274 notice in respect of the Henley Downs Farm Holdings/Henley Downs Land Holdings <sup>7</sup> and JPROA appeals. The other appeal by Scope Resources related to road access into the proposed residential development and I understand has been resolved between that party and RCL. The sole purpose of the s 274 notice was to request the Court not to proceed to hearing on those appeals but place them on hold so that potential changes to the ODP Jack's Point plan provisions were dealt with by this Panel as part of the District Plan review. The request was founded on the wording of the covenants registered over titles in the Jack's Point residential settlement areas whereby property owners are prevented from making submissions and taking part in any plan change or an application for resource consent relating to Jack's Point, but the covenant does not prevent involvement in a District Plan review.
17. The Appellants did not oppose this, and the Judge placed the appeals "on hold" pending the plan review hearings. In the interim, the final form of a draft Consent Order resolving those appeals has been signed off by me and I understand other parties for imminent filing with the Environment Court. The reason agreement has been reached is that the Appellants have agreed as has the Council that the ODP provisions

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<sup>7</sup> companies associated with Jack's Point commercial interests

otherwise sought to be amended through PC 44 should remain in the wording found in the ODP zone provisions save for any consequential or other amendments to recognise completed development such as infrastructure. Aside from the new provisions introduced by PC 44 to enable the Hanley Downs development, the outcome of the agreed consent arrangements is that no substantive changes to the ODP will be made through the PC 44 appeal process, leaving the decision as to what changes if any there should be to the Jack's Point zone to the plan review process and decisions of this Panel. A process in which Jack's Point residents have been able to engage independently of Jack's Point commercial interests and the developer -controlled JPROA.

**Response to submissions for Jack's Point and JPROA ("Developer")**

18. My response to these submissions will be confined to key matters that remain "in dispute" as between the Developer and Jack's Point residents who made submissions to the District Plan review and are presenting evidence today.
19. In paragraph 7 of the submissions reference is made to a significant proportion of the zone being still owned by the Jack's Point group. Reference to the plan produced by John Darby shows that Jack's Point Group entities own 50% of the total land area, but in relation to the future development of Jack's Point reference to the amount of the land holding in the hands of the Developer is misleading. A significant proportion of that landholding is the Jacks Point golf course and the proposed changes to the zone provisions sought by the Developer are irrelevant to that landholding. The other major portion of the land area owned by the Developer is the areas previously identified as F P – 1 and F P – 2. The former now to be "re-labelled" OSG and provide for a defined number of Preserve Homesites. The latter now proposed to be "re-labelled" OSL (it should retain the ODP classification O/S and the activities under that notation from the ODP provisions) with provision for 2 Preserve Homesites. The changes to the land classification of these areas is supported but with the O/S notation replacing the OSL, and the provision for a set number of separately identified Preserve



Homesites is not opposed.

20. For the purposes of the plan provisions that are in contention (remembering that the Hanley Downs residential area is not owned by the Developer) the relevant landholding is the area of land owned by Jack's Point Village Limited and Jack's Point Village Holdings Limited- or the JP Village activity area, and the proposed "E" activity area. It is this area that remains to be designed, consented and developed at Jacks Point, and in that respect the relevant landholding of the Developer is not significant. Remembering that the original vision still promoted on the JPROA website is for a building footprint of no more than 5% of the total land area of the Jack's Point settlement, the landholding plan shows the significant area is that comprising the completed residential land subdivision in private ownership – that is not in the hands of the Developer but the residents <sup>8</sup>.
21. The yet to be completed Village was an essential part of the Jack's Point settlement from the outset. The landholding in the location and of the dimensions of the ODP Village area is recognised by residents as under the control of the Developer, and that resource consent applications for development will be made absent any input from other private landowners within the settlement. The essential point of dispute relates to the requested significant expansion of the Village area over and above what is provided for in the ODP – whether as an E activity area, or an expanded Village development area.
22. The Developer's legal submissions make the strictly correct assertion that the proposed amended Village development area is a reduction from the ODP position. While true, this avoids recognising the effect of the proposed Village expansion on existing residents within the Jack's Point settlement which does not include the Hanley Downs area, a separate settlement area as proposed in the notified PC44 which was to have its own Village development. Either because RCL no longer wants a Village within its residential development or perhaps because of a commercial arrangement that has been made between the

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<sup>8</sup> The Developer does not own the land on which the Lodges is to be developed and for which there is an unimplemented resource consent.

Developer and RCL resulting in dropping the HD Village, the Developer contends that the proposed expanded Jack's Point Settlement Village is an effective net reduction in both the ODP position and the notified position. But in relation to the proposed Village within the Jack's Point settlement area (as distinct from the Henley Downs and the Homestead Bay settlement areas) the proposal now sought by the Developer is substantially larger. As with other requests for change to the plan provisions controlling settlement at Jack's Point this was never the subject of consultation with Jack's Point residents. The references in the evidence for the Developer to opportunities for development of a school/educational facility or healthcare facilities are also matters that have not been the subject of discussion or even advice to residents. What kind of school? A State or private school? And importantly, what impact would this expansion have on the Jack's Point golf course? The golf course facilities that would be necessarily displaced are not even referred to in the evidence or submissions.

23. Having agreed to drop previous proposals for much more extensive opportunities for development of buildings and residential occupation in the areas previously notated FP-1 and FP-2, the developer proposes that within the OSL (Open Space Landscape) farm and recreation buildings of up to 10 m in height could be consented as controlled activities. The OSL notation is applied to the open space land adjoining JP residential neighbourhoods, and is largely community (JPROA) owned. The specified activities in the OSL open space should reflect that and not enable farm buildings or general farming use. A *non-residential* farm building may be reasonably required in those areas now owned by the developer which should have the O/S classification as in the ODP, but not in respect of other open space land identified as OSL. I submit that in the areas that are actively in pastoral farming provision for non-residential farm buildings of up to 10 m height (such as barns or implement sheds) is appropriate subject to controlled activity consent. Otherwise and apart from the identified Preserve Homesites, there should be no buildings in areas that have the primary purpose of providing for recreation and outdoor activities and are valuable high amenity open space.

24. The legal submissions make reference to the NPS UDC on which I have already made submissions. However, in paragraph 97 the submissions refer to the relevance of the UDC “by virtue of the District containing a high-growth urban area and Jack’s Point being included in the Urban Growth Boundary and clearly destined to be developed into an urban area of significant size.” (My emphasis)
25. Dealing as we are here with the proposed Jack’s Point zone in the PDP, I submit there is no basis on which the developer can contend that the settlement could be developed into an urban area of significant size even by reference to the inclusion in the zone of the RCL residential development over three times the density provided for in the ODP, and development of the JP Village area. In my submission the RCL form and extent of residential development does not fit within the Jack’s Point zone in terms of a settlement pattern and layout and is in breach of the Stakeholders Deed. A Village development within the land area and in the form identified in the ODP in combination with existing completed subdivision and residential development at Jack’s Point would not create an urban area of significant size.
26. In paragraph 136 of the legal submissions it is contended there were no opposing submissions to the specific Village and E activity areas as notified, but then they acknowledge that there are submissions in opposition “seeking to reinstate the ODP position generally”. As the Council has recognised in its response through reports and expert evidence, the submission of my co-owner Joan Williams and other residents provides scope for opposing the developer’s request for expansion of the Village into the proposed E activity area, and the E activity area itself.
27. In paragraph 9 of the submissions it is contended that changes to the nature and scale of development in the zone in order to reach completion have been squarely anticipated since the zone’s inception. In my submission that is not so, certainly not by Jacks Point residents. If by Jacks Point commercial interests, that has never been shared with the residents in an open and transparent way. My evidence references the reasonable expectations of those who have acquired land within the

residential settlement areas. The submission even contends an *“expectation of a need to change and evolve the ultimate vision for the zone up to full development (whatever that means) is a “fact that has always been expected””*.

28. The reference to “non-objection obligations” contained in land covenants is not apposite. The covenants do not prevent resident/owner participation in a review of the District Plan. Nor should they. In my submission potential purchasers within the residential settlement were and are entitled to interpret the covenant provision as enabling the developer to obtain the necessary resource consents and if appropriate by private plan change make alterations to the development controls applying to buildable land areas still owned by the Developer and yet to be developed. The purpose being to complete development in accordance with the master-planned settlement design and in accordance with the Stakeholders Deed. That Deed imposes continuing obligations upon the Developer in relation to the scale intensity and form of development.
29. In my submission reference to the need for the developer to have *“flexibility to complete development”* is disingenuous. What the developer has sought to achieve in respect of its landholdings at Jack’s Point through the PDP plan provisions it drafted and presented to the Council for adoption into the proposed District Plan and then through submissions to the plan review proposed significant changes to the “original vision”. Now the legal submissions refer to putting in place the *“planning framework that will set up the appropriate framework for completion,”* so the *“final vision”* can be realised. In other words, a new vision the developer has, different from the original vision.

#### **A relevant Auckland Unitary Plan decision**

30. As part of the proposed Unitary Plan, what was the Omaha South Special Zone in the (former) Rodney District Council District Plan was proposed to be replaced by the Omaha South Precinct. The special zone was established through a plan variation to enable a master-planned coastal settlement at Omaha Beach north of Auckland. This

was designed by Darby Partners and incorporated a golf course development, open space areas, and residential settlements in discrete neighbourhoods. All titles are subject to covenants in more or less the same form as those employed at Jack's Point and all building development is subject to Design Guidelines and approval by a Design Review Panel operated under the auspices of the Omaha Beach Residents Association (Inc), formed as part of the development of the settlement. All landowners must be members of OBRS.

31. The authors of the proposed Unitary Plan notified a replacement Omaha South precinct in a different form to the special zone provisions that had applied from the commencement of development of the land. Built development is now largely complete.
32. The Residents Association submitted in opposition to the notified precinct provisions pointing out that the residential settlement subdivision roading and infrastructure development was completed under the ODP provisions and residential building development was also near complete again under the provisions of the ODP which provisions were referenced to the design approval process and compulsory membership of the OBRS. The community sought retention of the operative plan provisions.
33. A copy of the recommendation of the Independent Hearing Panel (adopted as the decision of the Auckland Council) is attached as **Appendix C**. The alternative precinct provisions presented through legal submissions and evidence from the Association's planning consultant were approved. These revised precinct provisions carefully followed the wording of the operative special zone with consequential amendments that aligned the terminology and wording of rules to the standardised form employed for the Unitary Plan and deleted provisions requiring development contributions or specific infrastructure development which of course had been completed. Otherwise, the IHP endorsed the continued use of the objectives and policies and controls on development that were in the ODP.

### **The Residents Group revised Jack's Point zone provisions**

34. I have prepared a revision of the proposed Jack's Point zone provisions, utilising the revised version provided by the Council's planner with her s42A report. I've done this in collaboration with Tim Williams of Southern Planning (although I record he is submitting as a resident and individual). The revisions are identified in the usual way including colour, strikethrough and underline.
35. In the interests of brevity I will only refer in these written submissions to key changes that have been made.
36. I also note that the revision removes all reference to the Hanley Downs residential development, on the basis of my request that this residential development be provided for through a separate zone as originally promoted by the landowner through PC 44, or otherwise zoned separately utilising one of the residential zones provided for in the PDP. If your decision is that the Hanley Downs residential settlement should remain in the Jack's Point zone those provisions would need to be reinstated.
37. The Purpose of the zone has been rewritten as we considered the notified provisions were wordy and did not describe a clear purpose for the zone. The first paragraph of the Millbrook Resort Zone PDP provisions<sup>9</sup> was used as a template.
38. In my submission, the Objective and associated Policies are the most important provisions for any zone and should reflect the key environmental factors and intended planning outcomes for (in this case) the existing substantially-developed Jack's Point settlement. The ODP objective and policies were used as the template, with amendments made to make explicit recognition of the settlement's location in relation to outstanding natural features and landscapes (s6(b)) and the protection of those from an appropriate subdivision, use and development, and the maintenance and enhancement of public access to Lake Wakatipu (s6(d)).
39. The recognition of these matters of national importance has been

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<sup>9</sup> 43.1 Resort Zone purpose, page 43 - 1

carried through into amendments to the associated Policies.

40. We have reinstated the “methods of implementation” section of the ODP zone provisions referencing Council approved Development Controls and Design Guidelines for buildings and landscaping and the Jack’s Point Stakeholders Deed.
41. Amendments have been made to delete reference to the Education activity area. The intent of the changes is to retain the Jack’s Point Village area as provided for in the ODP. Changes to enable a greater scale of development (for example height increase) have been accepted.
42. The limited extent of provision for mining within the Jack’s Point settlement has been made explicit<sup>10</sup>, and permitted activities in the Open Space Landscape (OSL)<sup>11</sup> have been revised by deleting reference to farming farm buildings farm and farm access tracks, but making provision for sheep grazing and production of hay and silage as I understood had been agreed with the JPROA Chairman. I have added the O/S classification and uses from the ODP, as this should apply to the FP-2 land, where pastoral farming is appropriate and is the existing activity.
43. The density provision has been changed so that the density numbers now align with the Jack’s Point density masterplan approved by the Council dated 20 June 2016.<sup>12</sup> The other approach would be to retain the wording of the ODP<sup>13</sup> which enables changes to density within the neighbourhoods, provided the overall density remains within 10-12 dwellings per hectare. I consider this is preferable and the provision has been utilised over time to amend densities as seen from the revised density master plan approved by Council in June last year.
44. The provision for farm buildings to a maximum height of 10 m has been altered to make it clear that this is only in respect of non-residential

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<sup>10</sup> 41.2.4.4

<sup>11</sup> 41.2.8.10

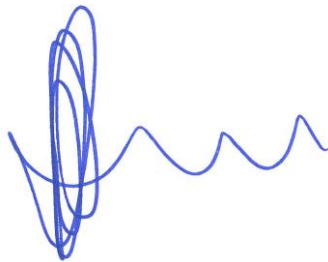
<sup>12</sup> 41.3.8.1

<sup>13</sup> 12.2.5.1 vii, page 12-19.

buildings.<sup>14</sup>

45. I have amended the provision in relation to non-notification in 41.4.2 so that the written approval that can be relied upon to disregard effects on a person must be a written approval to the relevant application given under Part 6 of the RMA, instead of being implied from the wording of the non-objection covenants.
46. Mr Geddes and I favour the continuation of controlled activity consenting for residential dwellings as in the ODP, essentially for the reasons expressed in the s42A report. I have not included a rule requiring this in our revision as other residents consider this consenting is no longer necessary.

Dated this 17<sup>th</sup> day of February 2017

A handwritten signature in blue ink, consisting of a series of loops and a wavy line extending to the right.

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**Richard Brabant**

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<sup>14</sup> 41.3.12.2



## Appendix A

# JACKS POINT ZONE 41

## Key:

Recommended changes to Jacks Point Zone as Appendix A -of Richard Brabant's legal submissions dated 17 February 2017 are shown in underlined purple text for additions and ~~blue strike through text~~ for deletions.

Recommend changes to notified chapter are shown in black underlined text for additions and ~~black strike through text~~ for deletions. Appendix 1 to s42A report, dated 17 January 2017.

## 41 Jacks Point Zone

### 41.1 Zone Purpose

The purpose of the Jacks Point Zone is to provide for high quality residential, commercial, visitor accommodation and recreation activities with supporting facilities and services. The zone anticipates high levels of planned open space where development enclaves are set between the areas of open space. To achieve this, integrated planning in accordance with a structure plan is required.

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

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

### 41.2 Objectives and Policies

~~41.2.141.1.1 Objective - Development of An integrated community, incorporating residential activities, living, including well designed medium density housing opportunities, visitor accommodation, well designed community, and small-scale commercial activities, community facilities, within a framework of open space and recreational facilities and amenities, and extensive open space areas, developed and maintained in a manner while having which provides appropriate regard for the protection of outstanding natural features and landscapes, and visual amenity values, servicing, and the maintenance and enhancement of public access to and along Lake Wakatipu, and recognises the value of areas of open space to residents' and visitors' amenity and outlook and has particular regard to landscape, ecological, amenity and water and air quality valuesaccess issues.~~

### Policies

~~41.1.1.1 Use a Structure Plan to establish the spatial layout of development within the zone and thereby achieve diversity of living and complimentary activities, recognition of landscape and amenity values, the road, open space and trail networks and the need for integration of activities and servicing. Ensure subdivision and development incorporates the design elements shown on the Structure Plan.~~

~~41.2.1.141.1.1.2 Require building and activities to be located in accordance with Use a the Structure Plan (41.7) to establish the spatial layout of development within the zone and diversity of living and complementary activities in order to ensure that the following matters are takening into accountobjectives are achieved:~~

- Integration of activities and servicing;
- The recognition and protection of landscape and amenity values;

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**Comment [MSOffice1]:** RCL (632), Jacks Point Landowners, Margaret Joans Williams (605), Tim and Paula Williams (601).

**Comment [MSOffice2]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), JPROA (765), Margaret Joans Williams (605).

**Comment [MSOffice3]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342), Margaret Joans Williams (605).

# JACKS POINT ZONE 41

- High-quality roading, open space and trail networks;
- ~~Visibility from public places beyond the Jacks Point Zone, State Highway 6 and Lake Wakatipu.~~

~~41.2.1.2 Ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, road connections, open space, access connections and trails.~~

~~41.1.1.3 Maintain and protect important views into and across the site when viewed from the lake, and to maintain and protect important views across the site to the mountain peaks beyond when viewed from public places beyond outside the Jacks Point Zone, the State Highway.~~

~~41.2.1.3 41.1.4 Ensure areas of open space are integrated into and between areas of development and recognise the importance of these areas to the identity, character, amenity and outlook for residentees and visitors.~~

~~41.2.1.441.1.1.4 Ensure that residential development is not readily visible from the State Highway-Highway.~~

~~41.2.1.541.1.1.5 Provide public access from the State Highway to the lake foreshore, and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.~~

~~41.2.1.641.1.1.6 Provide for local biodiversity through:~~

- The protection and enhancement of existing ecological values, in a holistic manner;
- The prevention of grazing in watercourses and wetlands, and the control of grazing around wetland areas and watercourses.~~Reduction in grazing around wetland areas; and~~
- The provision of links between grey shrublands, wetlands and the lakeshore escarpment, including indigenous vegetation links between Activity Areas where appropriate.

~~41.2.1.741.1.1.7 Ensure that development within the ecologically sensitive areas of the zone results in a net environmental gain for those areas.~~

~~41.2.1.841.1.1.8 Control the take-off and landing of aircraft within the zone.~~

~~41.2.1.941.1.1.9 Ensure that subdivision, development and ancillary activities within the Tablelands Landscape Protection Area protects outstanding natural features and landscapes from inappropriate use and development, and maintains and enhances the character of the landscape.~~

~~41.2.1.1041.1.1.10 Provide for farming and associated activities only in appropriate areas (which does not include open space areas adjoining residential settlements), while recognising certain forms of farming may not be appropriate adjoining residential areas where they may cause nuisance effects while ensuring that development associated with those activities does not result in over domestication of the landscape ..~~

~~41.2.1.1141.1.1.11 Enable mining activities within the Open Space Golf Activity Area only where the material extracted is to be used within the Jacks Point which contribute to the development of the Zone and only where the provided environmental effects are appropriately managed. Avoid mining activities which are not essential to the sustainable development and use of the Jack's Point zone.~~

~~41.2.1.1241.1.1.12 Provide a diversity of living accommodation, including for opportunities for farm and rural living at low densities. low density rural living within the Homesites.~~

**Comment [MSOffice4]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), and Scope Resources (342), Margaret Joans Williams (605).

**Comment [MSOffice5]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605).

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**Comment [MSOffice6]:** Non substantive for legibility only

**Comment [MSOffice7]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**Comment [MSOffice8]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

# JACKS POINT ZONE 41

~~41.2.1.13~~ Recognise the Residential (Hanley Downs) Activity Area, and the Village Activity Area as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.

Comment [MSOffice9]: RCL (632)

~~41.2.1.14~~ Enable medium density housing development within the established areas of Jacks Point where the scale and form of built development is appropriate to the character of the Activity Area.

~~41.2.1.15~~ Enable the development of education, business innovation and associated activities within the Education Innovation Campus and day care facilities within the Education Activity Area and encourage this to be laid out and designed in a manner that integrates with and contributes positively to the adjoining Jacks Point village and Open Space activity areas, subject to achieving a high standard of urban design.

Comment [MSOffice10]: Otago Polytechnic (757), the Ministry of Education (524), Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

~~41.2.1.16~~ 41.1.1.13 Ensure the visual impacts of subdivision and development within the Residential State Highway and Education Innovation Campus Activity Areas are avoided or appropriately mitigated through subdivision design and location of dwellings, landscaping and the provision of open space.

~~41.2.1.17~~ Provide for farming and rural living in the Farm Preserve Activity Area to enable continued rural land management together with providing a greater diversity of lot sizes that retains rural amenity and protects landscape values, while ensuring that:

Comment [MSOffice11]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

- within the Farm Preserve 1 Activity Area, subdivision and development incorporates mechanisms for the protection and management of open space and native vegetation.
- within the Farm Preserve 2 Activity Area, buildings are not visible from Lake Wakatipu and State Highway 6.

Comment [MSOffice12]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

~~41.2.1.17~~ Enable the Jacks Point Village Activity Area to develop as a vibrant mixed use hub for the Jacks Point Zone, comprising a range of activities including high density and medium density residential housing, a small local shopping centre that services the needs of Jacks Point residents and provides a small amount of destination shopping, office space, visitor accommodation, education facilities, community activities, healthcare, commercial recreation activity, and technology and innovation-based business.

Comment [MSOffice13]: Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joans Williams (605).

~~41.2.1.18~~ Enable commercial activities within the Residential (Hanley Downs) Activity Area, designed to primarily service the needs of the local Hanley Downs residents community, where they can locate along or near primary roads.

Comment [MSOffice14]: Jacks Point landowners, insofar as this will help to enable the commercial viability of the Jacks Point village

~~41.2.1.19~~ 41.1.1.14 Enable commercial and community activities and visitor accommodation, provided residential amenity, health, and safety are protected under enhanced through:

- Compatible hours of operation and noise;
- A high standard of building design;
- The location and provision of open space, buffers and setbacks;
- Appropriate landscape mitigation;
- The design of vehicle access and car parking; and
- An appropriate scale of activity and form of building development.

~~41.2.1.20~~ 41.1.1.15 Use residential development controls to protect privacy and amenity, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.

~~41.2.1.21~~ Provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.

# JACKS POINT ZONE 41

41.2.1.2241.1.1.16 Avoid industrial activities.

41.2.1.2341.1.1.17 Provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.

41.2.1.2441.1.1.18 Ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay and Home site activity areas within the Tablelands Landscape Protection Area.

41.2.1.2541.1.1.19 Provide safe and efficient road access from State Highway 6.

41.2.1.2641.1.1.20 Ensure provision of integrated servicing infrastructure, including roading and vehicle access.

41.2.1.2741.1.1.21 Ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not adversely affect water quality or other environmental values.

41.2.1.2841.1.1.22 Ensure that the visual impacts of development within the Village and Education Activity Areas are ~~appropriately avoided or otherwise~~ mitigated through landscaping, building design and the provision of open space, compliance with development controls and performance standards and the application of the Village Design guidelines, such that ones' appreciation of the broader landscape is not adversely affected.

41.2.1.2941.1.1.23 Encourage high quality urban design throughout the villages by:

- a. 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;
- b. encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and
- c. encouraging the incorporation of parapets, corner features for landmark sites, and other design elements in order to achieve a positive design outcome by providing for a generous 3 storey building height in the Jacks Point village and generous 2 storey commercial development in the Homestead Bay village.

**Comment [MSOffice15]:** Non substantive for legibility only.

**Comment [MSOffice16]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**Comment [MSOffice17]:** Jacks Point Residential No. 2 et al (762), Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605), and Jacks Point Landowners (as encouraging quality development will improve commercial viability and will help to achieve an quality outcome as encouraged through the ODP outline plan approval process).

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## 41.2 Other Provisions and Rules

### 41.1.2 Methods of Implementation

The objective and associated policies will be implemented through a number of methods including:

#### (i) District Plan:

- a. Adherence to a Structure Plan to ensure comprehensive and integrated development within the zone; and
- b. Rules providing for activities, specifying standards for development and performance standards.

#### (ii) Other Methods

- a. Council approved Development Controls and Design Guidelines in respect of buildings and landscaping;
- b. The Jacks Point Stakeholders Deed (including the Jacks Point Stakeholders Supplementary Deed).

# JACKS POINT ZONE 41

## 41.1.3 District Wide

## 41.2.2 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative ~~District Plan (ODP)~~.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 <del>Operative DP</del> )	25 Earthworks (22 <del>Operative DP</del> )	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 <del>Transport</del> Transport (14 <del>Operative DP</del> )
30 Energy and Utilities and Renewable Energy	31 <del>Hazardous</del> Hazardous Substances (16 <del>Operative DP</del> )	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

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**Comment [SG18]:** Drafting only for consistency with the rest of the PDP

## 41.2.3.1.4 Clarification

### [Advice notes](#)

**41.2.3.1.4.1** References to the Structure Plan and to Activity Areas are references to the Jacks Point Zone Structure Plan and the Activity Areas identified on that Structure Plan.

**41.2.3.1.4.2** Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.

**41.2.3.1.4.3** A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

**41.2.3.1.4.4** Where an activity does not comply with a rule or standard the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

**41.2.3.1.4.5** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

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**Comment [MSOffice19]:** Consistency only with other chapters. NB - No 'General Rules' for this chapter.

# JACKS POINT ZONE 41

## 41.341.2 Rules – Activities

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.3.41.2.	Activities that are not listed in this table and comply with all standards	P
41.3.241.2	<p><b>Educational and Day Care Facilities</b></p> <p>Educational and Day Care Facilities within the <del>Village Activity (E)</del> and R(HD) Activity Areas.</p> <p>Control is reserved to <del>all of</del> the following:</p> <ul style="list-style-type: none"> <li>• Location and external appearance of buildings.</li> <li>• Setback from roads.</li> <li>• Setback from internal boundaries.</li> <li>• Traffic generation, access and parking.</li> <li>• Outdoor living space.</li> <li>• Street scene including landscaping.</li> <li>• Enhancement of ecological and natural values.</li> <li>• <del>(</del>Provision for walkways, cycle ways and pedestrian linkages.</li> <li>• Noise.</li> <li>• <u>Infrastructure and servicing, including traffic effects.</u></li> </ul>	C
41.3.341.2	<p><b>Buildings</b></p> <p>41.3.3.41.2.3.1 <del>Buildings</del> (including the addition, alteration or construction of buildings) located within the Lodge Activity Areas (L).</p> <p><del>Control is reserved</del> Discretion is restricted to <del>all of</del> the following:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Infrastructure and servicing.</li> <li>• Associated earthworks and landscaping.</li> <li>• Access and parking.</li> <li>• Bulk and location.</li> <li>• Exterior lighting.</li> <li>• <u>Any development controls and design guidelines.</u></li> </ul> <p>41.3.3.241.2.3.2 <u>Residential buildings located within the Homesite Activity Areas (HS Activity Areas), with Council's control reserved to the matters listed above in Rule 41.4.3.1 (Lodge</u></p>	<p><del>C</del>RD</p> <p>C</p>

**Comment [MSOffice20]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice21]:** Non substantive - typographical correction only

**Comment [MSOffice22]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice23]:** QLDC (383)

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p><u>Area) and, in addition:</u></p> <ul style="list-style-type: none"> <li>The protection and enhancement of Wetland areas within and adjacent to the site.</li> </ul> <p><del>41.3.3.341.2.3.3</del> Except as provided for in <b>41.4.3.5</b> and <b>41.4.3.8</b>, recreation buildings ancillary to outdoor recreation activity within the Open Space Golf, Open Space Residential, and Open Space Landscape Activity Areas, with Council's control reserved to the matters listed below in Rule 41.4.3.4 (farm buildings).</p> <p><del>41.3.3.441.2.3.4</del> Except as provided for in <b>(41.4.3.5 and 41.4.3.64)</b> below, farm buildings located within the <b>FP-1 and FP-2 Open Space Landscape Activity Area</b>.</p> <p>Control is reserved to <del>all of</del> the following:</p> <ul style="list-style-type: none"> <li>The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>Infrastructure and servicing.</li> <li>Associated earthworks and landscaping.</li> <li>Access and parking.</li> <li>Bulk and location.</li> <li>Exterior lighting.</li> <li>Visibility of the building from State Highway 6 and Lake Wakatipu.</li> <li>The location and size of the building with respect to the effect on any residents outlook or amenity.</li> </ul> <p><del>41.4.3.3</del> Except as provided for in <b>(41.4.3.4)</b> below, any residential unit in the <b>FP-2 Activity Area</b> and any visitor accommodation activity within the <b>FP-1 or FP-2 Activity Areas</b>.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li><del>The matters listed in clause (41.4.3.2) above.</del></li> <li>The appropriateness of any mitigation and its impact on the character of the landscape.</li> </ul> <p><del>41.3.3.541.2.3.5</del> Farm buildings and recreation buildings ancillary to outdoor recreation activity within the Peninsula Hill Landscape Protection Area and Highway Landscape Protection Area.</p> <p><del>41.3.3.641.2.3.6</del> Farm buildings within the Lake Shore Landscape Protection Area of the Open Space Landscape Activity Area.</p> <p><del>41.3.3.741.2.3.7</del> Any building other than farm buildings and recreation buildings ancillary to outdoor recreation activity within the Peninsula Hill Landscape Protection Area, <del>Lake Shore Landscape Protection Area or Highway Landscape Protection Area identified on the Structure Plan.</del></p>	<p>C</p> <p>C</p> <p>RD</p> <p>RD</p> <p>D</p> <p>D</p> <p>NC</p>

**Comment [MSOffice24]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice25]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice26]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice27]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice28]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).



# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>41.3.3.841.2.3.8 Any building other than farm buildings within the Lake Shore Landscape Protection Area.</p> <p>41.3.3.941.2.3.9 Any building other than farm buildings and recreation buildings ancillary to outdoor recreation activity within the Highway Landscape Protection Area.</p> <p>41.3.3.1041.2.3.10 Any building other than recreation buildings ancillary to outdoor recreation activity within the Open Space Golf Activity Area outside the Highway, Lakeshore and Peninsula Hill Landscape Protection Areas.</p>	<p>NC</p> <p>D</p> <p>RD</p>
	<p>41.3.3.1141.2.3.11 Within the BFA any boat ramp, jetty, breakwater or other buildings and associated parking and boat trailer parking.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Effects on natural character.</li> <li>• Effects on landscape and amenity values.</li> <li>• Effects on public access to and along the lake margin.</li> <li>• External appearance, colours and materials.</li> <li>• Location.</li> </ul> <p><u>Buildings within the</u></p>	<p>G</p>
	<p>41.3.3.1241.2.3.12 Village Activity Areas, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which is sufficiently detailed to enable the matters of control listed below to be fully considered.</p> <ul style="list-style-type: none"> <li>• <u>Control is reserved to the following: The bulk, location and external appearance of buildings and associated carparking, including the creation of active frontages adjacent to roads and public spaces.</u></li> <li>• <u>The layout and orientation of streets, lanes, open spaces, and carparking and the provision of cycle and pedestrian links.</u></li> <li>• <u>Infrastructure and servicing including traffic generation and effects on the state highway arising from the density and mix of uses being proposed.</u></li> <li>• <u>The adequate provision of storage and loading/ servicing areas.</u></li> <li>• <u>The density and location of residential activity.</u></li> </ul>	<p>C</p> <p>RD</p>

**Comment [MSOffice29]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

Note: Scope to make some buildings non-complying stems from the submissions to reinstate the ODP provisions, which include Rule 12.2.3.5(vii) which makes any buildings not in accordance with the Structure Plan non-complying.

**Comment [MSOffice30]:** Jacks Point Residential No.2 Ltd et al (762). Non-substantive and to improve legibility and consistency with other chapters of the PDP.

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# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> <li>• <u>Landscaping.</u></li> </ul> <p><u>41.4.3.10 Buildings within the Village Activity Area, which are not accompanied by a Comprehensive Development Plan or are in accordance with an approved Comprehensive Development Plan.</u></p> <p>Discretion is restricted to the matters listed above in Rule <u>41.4.3.9.</u></p>	RD
41.3.441.2	<p><b>Outdoor Swimming Pools and Tennis Courts</b></p> <p><u>41.3.4.141.2.4.1</u> Any tennis court (including fencing) located within the smaller of the two Lodge Areas and any outdoor swimming pool (including fencing) located within the Tablelands Landscape Protection Area (except spa pools less than 9m<sup>2</sup> and located within any Homesite or Lodge Activity Area) provided:</p> <ol style="list-style-type: none"> <li><u>The tennis court surfaces are either dark green or grey in colour; and</u></li> <li><u>Any tennis court fencing is chain mesh or similar and grey in colour.</u></li> </ol> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• Associated earthworks and landscaping.</li> <li>• Colour.</li> <li>• Fencing, including any glare resulting from the location and orientation of glass pool fencing.</li> <li>• any development controls and design guidelines.</li> </ul> <p><u>41.4.4.2</u> Any tennis court (including fencing) located within the smaller of the two Lodge Areas and any outdoor swimming pool (including fencing) located within the Tablelands Landscape Protection Area that does not comply with Rule 41.4.4.1(a) and 41.4.4.1 (b) and discretion is restricted to those matters listed in Rule <u>41.4.4.1.</u></p> <p><u>41.3.4.341.2.4.3</u> Except as provided for in <u>41.4.4.1 and 41.4.4.2,</u> any outdoor tennis court located within the Tablelands Landscape Protection Area Activity Area.</p>	<p>C</p> <p>RD</p> <p>NC</p>

**Comment [MSOffice31]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605) insofar as this rule is intended to retain the design control that exists in the ODP.

**Comment [MSOffice32]:** Non substantive for legibility only

**Comment [MSOffice33]:** Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joans Williams (605), JPROA (765), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601). These submissions indirectly seek the reinstatement of RD status for tennis courts rather than relaxation of the rules. The recommended provisions strengthen the notified PDP provisions.

**Comment [MSOffice34]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice35]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**Comment [MSOffice36]:** Non substantive for legibility only

**Comment [MSOffice37]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**Comment [MSOffice38]:** Consequential amendment

**Comment [MSOffice39]:** Non substantive for legibility only

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.3.541.2	<p><b>Mining</b></p> <p>Within any the Open Space Golf or Farm Preserve Activity Areas the mining of rock and aggregate and/or gravel, for use anywhere within the Jacks Point Zone</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>Dust.</li> <li>Noise.</li> <li>Traffic.</li> <li>Hours of operation.</li> <li>Effects on landscape and amenity values.</li> </ul>	RD
41.3.6	<p style="text-align: center;"><b>Medium Density Residential Development</b></p> <p><b>41.3.6.1</b> Within the R(HD) A – E and R(HD-SH) 1 Activity Areas, any residential activity which results in either:</p> <ul style="list-style-type: none"> <li>a. three or more attached residential units; or</li> <li>b. a density of more than one residential unit per 380 m<sup>2</sup> of net site area.</li> </ul> <p>Control is reserved Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>External appearance.</li> <li>Access and car parking.</li> <li>Associated earthworks.</li> <li>Landscaping.</li> <li>Effects on adjacent sites that are not part of the medium density residential development being applied for.</li> <li>Bulk and location.</li> <li>Legal mechanisms proposed in relation to building bulk and location.</li> </ul> <p><b>41.3.6.2</b> Within the R(JP) 1 – 3 and R(JP-SH) 4 Activity Areas any residential activity which results in either:</p> <ul style="list-style-type: none"> <li>a. three or more attached residential units; or</li> <li>b. a density of more than one residential unit per 380 m<sup>2</sup> of net site area.</li> </ul> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>External appearance.</li> <li>Residential amenity values.</li> </ul>	<p style="text-align: center;">C RD</p> <p style="text-align: center;">RD</p>

**Comment [MSOffice40]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

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**Comment [MSOffice41]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

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**Comment [MSOffice42]:** RCL (632) insofar as this is a consequential amendment to recommending MDR be exempt from internal setbacks and the relaxation of recession plane rules.

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**Comment [MSOffice43]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

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# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> <li>• <del>Access and car parking.</del></li> <li>• <del>Associated earthworks.</del></li> <li>• <del>Landscaping.</del></li> <li>• <del>Effects on adjacent sites that are not part of the medium density residential development being applied for.</del></li> <li>• <del>Bulk and location.</del></li> <li>• <del>Legal mechanisms proposed in relation to building bulk and location.</del></li> </ul> <p><b>41.3.6.3</b> <del>Except that this rule shall not apply to:</del></p> <p>a. <del>A single residential unit on any site contained within a separate computer freehold register.</del></p> <p>b. <del>Residential units located on sites smaller than 550380 m<sup>2</sup> created pursuant to subdivision rules 27.6.1 or 27.7.11.3.</del></p>	
41.3.741.2	<p><b>Commercial Activities, Community Activities and Visitor Accommodation</b></p> <p><b>47.4.7.1</b> <del>Commercial activities and community activities located within the EIC Activity Area, including the addition, alteration or construction of associated buildings.</del></p> <p><del>Control is reserved to all of the following:</del></p> <ul style="list-style-type: none"> <li>• <del>Location, scale and external appearance of buildings.</del></li> <li>• <del>Setback from roads.</del></li> <li>• <del>Setback from internal boundaries.</del></li> <li>• <del>Traffic generation.</del></li> <li>• <del>Vehicle access, street layout and car parking.</del></li> <li>• <del>Street scene including landscaping.</del></li> <li>• <del>Enhancement of ecological and natural values.</del></li> <li>• <del>Provision for walkways, cycle ways and pedestrian linkages.</del></li> <li>• <del>Scale of the activity.</del></li> <li>• <del>Noise.</del></li> <li>• <del>Hours of operation.</del></li> <li>• <del>State Highway Mitigation in the locations shown on the Structure Plan.</del></li> </ul> <p><b>41.3.7.1</b> <del>Commercial activities, community activities and</del></p>	<p>⊕</p>

**Comment [MSOffice44]:** RCL (632) insofar as this is a consequential amendment to recommending MDR be exempt from internal setbacks and the relaxation of recession plane rules.

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**Comment [MSOffice45]:** RCL (632). Non substantive. This exemption is unnecessary as Rule 41.4.6 would not be triggered for a single dwelling unless it is on a site smaller than 380m<sup>2</sup> and that scenario is already exempt through 41.4.6.3.b)

**Comment [MSOffice46]:** RCL (632), Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601).

**Comment [MSOffice47]:** Sally and Clive Geddes (540), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joans Williams (605).

**Comment [MSOffice48]:** Re-numbered as a result of deleting notified rule 41.4.7.1.

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# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>visitor accommodation, located within the R(HD) and R(SH-HD) Activity Areas, including the addition, alteration or construction of associated buildings.</p> <p>Discretion is restricted to all of the following matters listed in clause 41.4.7.1 above:</p> <ul style="list-style-type: none"> <li>• Location, scale and external appearance of buildings.</li> <li>• Setback from roads.</li> <li>• Setback from internal boundaries.</li> <li>• Traffic generation.</li> <li>• Vehicle access, street layout and car parking.</li> <li>• Street scene including landscaping.</li> <li>• Enhancement of ecological and natural values.</li> <li>• Provision for walkways, cycle ways and pedestrian linkages.</li> <li>• Scale of the activity.</li> <li>• Noise.</li> <li>• Hours of operation.</li> <li>• State Highway Mitigation in the locations shown on the Structure Plan.</li> </ul>	RD
41.3.841.2	<p><b>Sale of Liquor</b></p> <p>Premises licensed for the sale of liquor (including both off-licenses and on-licenses).</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Location.</li> <li>• Scale of the activity.</li> <li>• Residential amenity values.</li> <li>• Noise.</li> <li>• Hours of operation.</li> <li>• Car parking and vehicle generation.</li> </ul>	RD
41.3.941.2	<p><b>Structure Plan - Activities</b></p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rule 41.4 Table 1 - Activities located within the Jacks Point Zone or Rule 41.5 Table 2 - Standards for Activities:</p> <p>41.3.9.441.2.8.1 Residential Activities Area (R) – the use of this area</p>	D

Comment [MSOffice49]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

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Comment [MSOffice50]: Consequential amendment as a result of deleting 41.4.7.1

Comment [MSOffice51]: Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

Comment [MSOffice52]: RCL (632)

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	is restricted to residential activities.	
	<del>41.3.9.241.2.8.2</del> Residential State Highway R(SH) – the use of this area is restricted to residential activities and for the mitigation of development from the State Highway.	
	<del>41.3.9.341.2.8.3</del> Village Area (V) – The use of this area is restricted to residential and visitor accommodation activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities, small-scale commercial activities <u>including technology and innovation-based business</u> , health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities; <u>and commercial recreation activities.</u>	<p>Comment [MSOffice53]: Jacks Point Residential No. 2 (762)</p> <p>Comment [MSOffice54]: RCL (632)</p>
	<del>41.3.9.4</del> Education Precinct (E) – The use of this area is restricted to Educational and Day Care Facilities.	
	<del>41.3.9.541.2.8.4</del> Education Innovation Campus (EIC) – The use of this area is restricted to technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities.	<p>Comment [MSOffice55]: Sally and Clive Geddes (540), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joans Williams (605).</p>
	<del>41.3.9.641.2.8.5</del> Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants and conference facilities.	
	<del>41.3.9.741.2.8.6</del> Home Site Activity Area (HS) - the use of this area is restricted to residential activities with a maximum of one residential unit per HS Activity Area.	
	<del>41.3.9.841.2.8.7</del> Farm Preserve (FP) – Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks, recreation, mining, residential and visitor accommodation activities.	
	<del>41.3.9.941.2.8.8</del> Wetland (W) – Structures are 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>Comment [MSOffice56]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).</p>
	<del>Open Space Golf (OSG) – the use of this area is restricted to indigenous revegetation and outdoor recreation activities, including the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices associated with golf, mining of rock, aggregate and gravel, golf equipment and clothing sales and commercial golf instruction.</del>	<p>Comment [MSOffice57]: Improved clarity only.</p>
	<del>41.3.9.1041.2.8.9</del> Open Space (OS)-the use of this area is restricted to pastoral farming and arable farming and endemic <del>ca</del> revegetation.	
	<del>41.3.9.1141.2.8.10</del> Open Space Landscape (OSL) –activities in this area are <del>limiting</del> restricted to <u>sheep grazing, hay and silage production, farming, together with farm buildings, fencing, trail</u>	<p>Comment [MSOffice58]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).</p>

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>formation, <del>mining</del>, <del>farm access tracks</del> and recreation activities.</p> <p><del>41.3.9.12</del><u>41.2.8.11</u> Open Space Residential Amenity (OSA) – the use of this area is restricted to recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services.</p> <p><del>41.3.9.13</del><u>41.2.8.12</u> Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities.</p> <p><del>41.3.9.14</del><u>41.2.8.13</u> Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.</p> <p><del>41.3.9.15</del><u>41.2.8.14</u> Open Space - Residential (OSR) - the use of this area is restricted to 12 low level, low impact residential units set within a regenerating foreshore environment.</p> <p><del>41.3.9.16</del><u>41.2.8.15</u> Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.</p> <p><del>41.3.9.17</del><u>41.2.8.16</u> Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature or breakwater, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use.</p> <p><u>Note: Buildings are also subject to Rule 41.4.3.</u></p>	
<del>41.3.10</del> <u>41.2</u>	<b>Factory Farming</b>	NC
<del>41.3.11</del> <u>41.2</u>	<b>Forestry Activities</b>	NC
	All forestry activities, excluding harvesting of existing forestry.	
<del>41.3.12</del> <u>41.2</u>	<b>Mining Activities</b>	NC
	With the exception of the mining of rock and/or aggregate and/or gravel provided for by Rule 41. <del>24</del> .5.	
<del>41.3.13</del> <u>41.2</u>	<b>Industrial Activities</b>	NC
<del>41.3.14</del> <u>41.2</u>	<b>Informal Airports</b>	
	<del>41.3.14.1</del> <u>41.2.13.1</u> Informal Airports limited to the use of helicopters.	D
	<del>41.3.14.2</del> <u>41.2.13.2</u> The establishment and operation of all other Airport Activity or Aerodrome, including Informal Airports used by fixed wing aircraft.	NC
<del>41.3.15</del> <u>41.2</u>	<del>Informal Airports for emergency landings, rescues, fire fighting and activities ancillary to farming activities.</del>	P
<del>41.3.16</del> <u>41.2</u>	<b>Landfill</b>	NC

**Comment [MSOffice59]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice60]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice61]:** Non substantive to avoid duplication with Rule 41.4.1 (permitted activities)

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
41.3.1741.2	Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
41.3.1841.2	Fish or meat processing	PR
41.3.1941.2	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

**Comment [MSOffice62]:** Separated out the three activities captured by Rule 41.4.17 into three separate rules. Non substantive change to improve legibility and make consistent with other chapters, such as the Town Centres.

**Comment [MSOffice63]:** As above

**Comment [MSOffice64]:** As above

## 41.441.3 Rules - Standards

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.4.141.3.1	<p><b>Standards for Building</b></p> <p><i>Open Space Horticulture:</i></p> <p>41.4.1.141.3.1.1 Within the Open Space - Horticultural (OSH) Activity Area:</p> <ol style="list-style-type: none"> <li>There shall be no more than 15 building platforms;</li> <li>Those 15 building platforms referred to in (a) above are confined to 3 or 4 clusters; and</li> <li>No building is to be erected prior to the horticultural activity being planted.</li> </ol> <p><i>Homesites:</i></p> <p>41.4.1.241.3.1.2 Within any Homesite Activity Area (HS Activity Area), buildings shall not exceed a total building footprint of 1,000m<sup>2</sup> within that Activity Area.</p> <p>For rules 41.5.1.1 and 41.5.1.2, discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>Associated earthworks and landscaping.</li> <li>Bulk and location.</li> <li>Visibility of the building from State Highway 6 and Lake Wakatipu.</li> </ul> <p><i>Conservation Dwellings in Farm Preserve 1:</i></p> <p>41.5.1.3 Within the FP-1 Activity Area no residential unit shall be constructed on any site which has not been created in accordance with Subdivision Rule 27.8.9.2 Jacks Point Conservation Lots.</p> <p>Discretion is restricted to all of the following:</p>	<p>RD</p> <p>RD</p> <p>RD</p>

**Comment [MSOffice65]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.



# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<ul style="list-style-type: none"> <li>• <del>The creation of open space.</del></li> <li>• <del>Creation of conservation benefits.</del></li> <li>• <del>Effects on landscape and amenity values.</del></li> </ul>	
<u>41.4.241.3.2</u>	<p><b>Vegetation</b></p> <p><u>41.4.2.141.3.2.1</u> Within the Highway Landscape Protection Area (refer Structure Plan) the planting and/or growing of any tree shall not obscure views from the State Highway to the mountain peaks beyond the zone.</p> <p><u>41.4.2.241.3.2.2</u> Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Peninsula Hill escarpment (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).</p> <p><u>41.4.2.341.3.2.3</u> Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Lake Wakatipu foreshore (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).</p> <p><u>41.4.2.441.3.2.4</u> Within the Tablelands <u>Landscape Protection Area</u> (refer Structure Plan), there shall be no exotic vegetation planted and/or cultivated, with the exception of:</p> <p>a. grass species if local and characteristic of the area; and</p> <p>b. other vegetation if it is:</p> <ul style="list-style-type: none"> <li>• less than 0.5 metres in height; and</li> <li>• less than 20 square metres in area; and</li> <li>• within 10 metres of a building; and</li> <li>• intended for domestic consumption.</li> </ul> <p><u>41.4.2.541.3.2.5</u> No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been re-vegetated with native vegetation. The area required to be re-vegetated for the purposes of this rule shall be the greater of 3,000m<sup>2</sup> or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated, whichever is greater. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.</p>	<p>D</p> <p>D</p> <p>D</p> <p>D</p> <p>D</p>

**Comment [MSOffice66]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice67]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).  
Consistent with reply version of Chapter 21.

**Comment [MSOffice68]:** Non substantive for legibility only

**Comment [MSOffice69]:** Note: this has now been added to the Structure Plan, as it was on the legend in the notified version but missing from the actual plan.

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p><del>41.4.2.6</del><u>41.3.2.6</u> On any site within a Residential Jacks Point Activity Area <del>there shall be no shrub and tree planting with less than</del> at least 75% of all trees and shrubs planted shall <u>be from</u> the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers.</p> <p>Discretion is restricted <u>to the following</u>:</p> <p>a. any effects on nature conservation values.</p> <p>b. <u>effects on landscape character and visual amenity</u></p>	RD
	<p><del>41.4.2.7</del><u>41.3.2.7</u> Within the OSR Activity Area, at least 50% of any site shall be planted in native vegetation, prior to building.</p> <p>Discretion is restricted to any effects on nature conservation values.</p>	RD
	<p><del>41.4.2.8</del><u>41.3.2.8</u> Anywhere within the zone, there shall be no planting and/or growing of the following tree species:</p> <ul style="list-style-type: none"> <li>• European larch (<i>Larix decidua</i>)</li> <li>• Sycamore</li> </ul> <p>Also refer to the District Wide Chapter 34 Wilding Exotic Trees.</p>	PR
	<p><del>41.4.2.9</del><u>41.3.2.9</u> Except as provided for in (41.5.2.6) above, any native <del>re</del>vegetation required to be <del>planted</del> <u>undertaken</u> within this Zone shall:</p> <p>a. Include species appropriate to the ecosystems of the area being planted.</p> <p>b. <del>Aim to be capable of reaching</del> 80% canopy closure for the ecosystem type being planted <u>within five years of implementation</u>.</p> <p>c. <del>Have eradicated any invasive plant pests the time of planting. Ensure the ongoing eradication of all plant pests which might compete with the planting.</del></p> <p>d. <u>Ensure the planting is appropriately protected from animal pests.</u></p> <p>e. <del>Be maintained, with any plants that die or are diseased replaced. Maintain the planting on an ongoing basis; replacing dead or diseased plants as necessary to reach compliance with (b) above.</del></p> <p>Discretion is restricted to any effects on nature conservation values.</p>	RD
<del>41.4.3</del> <u>41.3.3</u>	<p><b>Structure Plan</b></p> <p><del>41.4.3.1</del><u>41.3.3.1</u> Development shall be undertaken in <u>general</u> accordance with the Structure Plan in Part 41.7. For the purposes of interpreting this rule, the following shall apply:</p>	D

Comment [MSOffice70]: Non substantive to improve legibility only

Comment [MSOffice71]: Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joans Williams (605).

Comment [MSOffice72]: RCL (632).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status															
	<p><del>a.</del> A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Roads, and their intersections with State Highway 6, shall be acceptable.</p> <p><del>b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey.</del></p> <p><del>41.4.3.241.3.3.2</del> Development shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.</p> <p><del>41.4.3.341.3.3.3</del> The boundaries of Open Spaces Areas are shown indicatively with their <del>and</del> may be varied by up to 120m <del>withand</del> the exact location and parameters <del>to be</del> established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be deemed to be contrary to this rule.</p> <p><del>41.4.3.441.3.3.4</del> Within any open space area created by subdivision, in accordance with (Rules 41.5.3.3 and 27.8.9.1), there shall be no building.</p>																
41.4.441.3.4	<p><b>Earthworks (excluding earthworks associated with a subdivision)</b></p> <p><del>41.4.4.141.3.4.1</del> Volume of Earthworks</p> <p>The maximum total volume of earthworks (m<sup>3</sup>) shall not exceed that specified in the table below.</p> <p>a. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.</p> <p>b. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks Chapter of the Operative District Plan.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Activity Area</th> <th style="text-align: center;">Maximum Total Volume</th> </tr> </thead> <tbody> <tr> <td>Residential Activity Areas</td> <td rowspan="6" style="text-align: center; vertical-align: middle;">500 m<sup>3</sup></td> </tr> <tr> <td>Village</td> </tr> <tr> <td>Village Homestead Bay</td> </tr> <tr> <td>Open Space Horticulture</td> </tr> <tr> <td>Open Space Residential</td> </tr> <tr> <td>Open Space Foreshore</td> </tr> <tr> <td>Farm Buildings and Craft Activity Area</td> <td rowspan="3" style="text-align: center; vertical-align: middle;">1,000 m<sup>3</sup></td> </tr> <tr> <td>Boating Facilities Area</td> </tr> <tr> <td>Open Space Landscape</td> </tr> <tr> <td>Open Space Amenity</td> <td></td> </tr> </tbody> </table>	Activity Area	Maximum Total Volume	Residential Activity Areas	500 m <sup>3</sup>	Village	Village Homestead Bay	Open Space Horticulture	Open Space Residential	Open Space Foreshore	Farm Buildings and Craft Activity Area	1,000 m <sup>3</sup>	Boating Facilities Area	Open Space Landscape	Open Space Amenity		RD
Activity Area	Maximum Total Volume																
Residential Activity Areas	500 m <sup>3</sup>																
Village																	
Village Homestead Bay																	
Open Space Horticulture																	
Open Space Residential																	
Open Space Foreshore																	
Farm Buildings and Craft Activity Area	1,000 m <sup>3</sup>																
Boating Facilities Area																	
Open Space Landscape																	
Open Space Amenity																	

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Comment [MSOffice73]: RCL (632)

Comment [MSOffice74]: Jacks Point Residents No. 2 et al (762)

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status								
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Farm Preserve 1 and 2 Homesite</td> <td style="width: 50%;"></td> </tr> <tr> <td>Village Village Homestead Bay</td> <td>No maximum</td> </tr> <tr> <td>Open Space Golf Education Education Innovation Campus</td> <td></td> </tr> <tr> <td>Lodge</td> <td></td> </tr> </table>	Farm Preserve 1 and 2 Homesite		Village Village Homestead Bay	No maximum	Open Space Golf Education Education Innovation Campus		Lodge		
Farm Preserve 1 and 2 Homesite										
Village Village Homestead Bay	No maximum									
Open Space Golf Education Education Innovation Campus										
Lodge										
	<p><b>41-4.4.241.3.4.2</b> Height of cut and fill and slope</p> <p>a. OSL, OSG, OSA, <del>FP-1 and 2</del>, HS, E, <del>EIC</del> and L Activity Areas:</p> <p>(i) No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically.</p> <p>(ii) All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.</p> <p>(iii) The maximum height of any fill shall not exceed 2 metres <u>and, except in relation to road, tracks or accessways which shall comply with 41.5.4.2(a)(i) above, the maximum height of any cut shall not exceed 2.4 metres.</u></p> <p>b. All other Activity Areas:</p> <p>(i) The maximum height of any cut shall not exceed 2.4 metres.</p> <p>(ii) The maximum height of any fill shall not exceed 2 metres.</p> <p>(iii) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.</p>									
	<p><b>41-4.4.341.3.4.3</b> Fill</p> <p>a. All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p>									
	<p><b>41-4.4.441.3.4.4</b> Environmental Protection Measures</p> <p>a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p>									

**Comment [MSOffice75]:** Jacks Point Residents No. 2 et al (762)

**Comment [MSOffice76]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605).

**Comment [MSOffice77]:** Non substantive consequential amendment. Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice78]:** Sally and Clive Geddes (540), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joans Williams (605).

**Comment [MSOffice79]:** Wild Grass Partnership (567), Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p><del>41.4.4.4</del><del>541.3.4.5</del> <u>Water bodies</u></p> <p>a. Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, <del>except any man-made water body (e.g. Lake Tewa)</del> within one consecutive 12 month period.</p> <p>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.</p> <p>c. Earthworks shall not:</p> <ul style="list-style-type: none"> <li>• cause artificial drainage of any groundwater aquifer;</li> <li>• cause temporary ponding of any surface water.</li> </ul> <p><del>41.4.4.4</del><del>641.3.4.6</del> <u>Cultural heritage and archaeological sites</u></p> <p>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the earthworks</li> <li>• Environmental protection measures</li> <li>• Remedial works and revegetation</li> <li>• The effects on landscape and visual amenity values</li> <li>• The effects on land stability and flooding</li> <li>• The effects on water bodies</li> <li>• The effects on cultural and archaeological sites</li> <li>• Noise</li> </ul>	
<del>41.4.5</del> <del>41.3.5</del>	<p><b>Setbacks from roads and internal boundaries, <u>zone boundaries, and activity area boundaries</u></b></p> <p><del>41.4.5.1</del><del>141.3.5.1</del> Buildings or structures shall be set back a minimum of 20m from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area.</p> <p><del>41.4.5.2</del><del>241.3.5.2</del> Buildings for all activities, except for buildings <u>in the Village Activity Area or located on sites smaller than 550 380m<sup>2</sup> and created pursuant to subdivision Rule 27.6.1,</u> shall be subject to the following internal setback rules:</p> <p>a. Two setbacks of 4.5m, with all remaining setbacks of 2m; or</p> <p>b. One setback of 6m, one setback of 3.5m and all other</p>	RD

**Comment [MSOffice80]:** Jacks Point Residents No. 2 et al (762)

**Comment [MSOffice81]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice82]:** Non substantive and only to improve legibility in that notified Rule 41.5.5.1 relates to a setback from the zone boundary

**Comment [MSOffice83]:** Reflects recommended new rule 41.5.5.5 for improved legibility. Wild Grass Partnership (567).

**Comment [MSOffice84]:** RCL (632)

**Comment [MSOffice85]:** RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>setbacks of 2m;</p> <p><del>41.4.5.3</del><u>41.3.5.3</u> Except that:</p> <ul style="list-style-type: none"> <li>a. Any building may encroach into a setback by up to 1m for an area no greater than 6m<sup>2</sup> provided the component of the building infringing the setback has no windows or openings;</li> <li>b. 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;</li> <li>c. No setbacks are required when buildings share a common wall at the boundary.</li> </ul> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Bulk, height and proximity of the building façade to the boundary.</li> <li>• The impact on neighbours' amenity values.</li> </ul> <p><del>41.4.5.4</del> <u>In the all Residential (Hanley Downs) Activity Areas:</u></p> <ul style="list-style-type: none"> <li><del>a. For commercial activities, community activities and visitor accommodation, buildings shall be set back at least 3 m from any road boundary.</del></li> <li><del>b. For all other activities, except for residential activities on sites smaller than 550380m<sup>2</sup> and created by subdivision pursuant to Rule 27.7.11.3, buildings shall be set back at least 3 m 4.5m from any road boundary, provided that any garage is set back at least 4.5 m from any road boundary.</del></li> <li><del>d. Discretion is restricted to all of the following:</del> <ul style="list-style-type: none"> <li>• Bulk, height.</li> <li>• Proximity on residential amenity values.</li> <li>• Loss of daylight.</li> <li>• Access to sunlight.</li> </ul> </li> </ul> <p><del>41.4.5.5</del><u>41.3.5.4</u> <u>In the most eastern of the three areas of Lodge Activity Area, buildings and structures shall be set back a minimum of 10 m from the activity area boundary.</u></p>	
<p><del>41.4.6</del><u>41.3.6</u></p>	<p><b>Access to the State Highway</b></p> <p><del>41.4.6.1</del><u>41.3.6.1</u> Access from State Highway 6 shall be only at the intersections at Maori Jack Road, and Woolshed Road and <u>in a third location as approved by RM160562, as shown on the Structure Plan.</u></p> <p><del>41.4.6.2</del><u>41.3.6.2</u> <u>No more than 500 residential units may be built within the R(HD) and R(SH-HD) Activity Areas without the</u></p>	RD

**Comment [MSOffice86]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice87]:** RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605).

**Comment [MSOffice88]:** RCL (632)

**Comment [MSOffice89]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

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**Comment [MSOffice90]:** Wild Grass Partnership (567).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p><del>Woolshed Road intersection being completed and available for use.</del></p> <p><del>41.4.6.341.3.6.3</del> The scale of use of the Woolshed Road access shall not increase until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below)</p> <p>Discretion is restricted to the safe and efficient functioning of the road network.</p> <p><u>Advice Notes:</u></p> <p>i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone.</p> <p>ii. The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency.</p>	
<del>41.4.741.3.7</del>	<p><b>Fencing</b></p> <p><del>41.4.7.141.3.7.1</del> There shall be no fences or walls within the boundary of any lot or title within the Tablelands Landscape Protection Area (refer Structure Plan) outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as "Public Access Route" on the Structure Plan. Any such fencing shall be post and wire only.</p> <p><del>41.4.7.2</del> In the R(HD) and R(HD-SH) Activity Areas, except for sites smaller than <del>550 380m<sup>2</sup></del> and created by subdivision, <del>solid fences located within a setback from a road shall be no higher than 1.2m 1.5m in height, except that a fence of up to 1.8m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site and shall exceed no more than 50% of the frontage of the property.</del></p> <p><del>Advice Note: The remaining length of frontage may be fenced using a visually transparent/ permeable material or planted if desired.</del></p>	D
<del>41.4.841.3.8</del>	<p><b>Density</b></p> <p><del>41.4.8.141.3.8.1</del> The average density of residential units within each of the Residential Activity Areas shall be as follows:</p> <p>R(JP) – 1      <del>13.5408 – 18.67</del> per Ha  R(JP) – 2A     <del>12.113.62 – 33.33</del> per Ha  R(JP) – 2B     <del>12.114.04 – 14.85 15</del> per Ha  R(JP) – 3      <del>11.814.18</del> per Ha</p>	RD

Comment [MSOffice91]: RCL (855)

Comment [MSOffice92]: Jacks Point Residential No. 2 (762)

Comment [MSOffice93]: Jacks Point Residential No. 2 (762)

Comment [MSOffice94]: Non substantive for legibility only

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Comment [MSOffice95]: RCL (632) Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605).

Comment [MSOffice96]: RCL (632)

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Comment [MSOffice97]: RCL (632)



# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>R(JP-SH) – 1    40 <del>8,989.64</del> per Ha  R(JP-SH) – 2    9 <del>8,2785</del> per Ha  R(JP-SH) – 3    5 <del>11,354.85 – 26.61</del> per Ha  R(JP-SH) – 4    16.705 – 12 per Ha  R(HD-SH) – 1    12 – 22 per Ha  R(HD-SH) – 2    2 – 10 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 per Ha  R(HD) – G        2 – 10 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. <u>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.</u> Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area, <u>as defined in 41.5.8.1 above.</u></p> <p><del>41.4.8.241.3.8.2</del> Except that this rule shall not apply to:</p> <p style="padding-left: 20px;">a. <del>A single residential unit on any site contained within a separate certificate of title.</del></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Residential amenity values.</li> <li>• Traffic, access, parking.</li> <li>• Adequacy of infrastructure.</li> </ul>	
<del>41.4.941.3.9</del>	<b>Scale of Commercial Activity</b>	
	<del>41.4.9.141.3.9.1</del> The maximum net floor area (as defined) for any single commercial activity shall be 200m <sup>2</sup> , <u>except that this does not apply within the EIC Activity Area.</u>	D
	<del>41.5.9.2</del> The maximum net floor area for any single retail activity within the EIC Activity Area shall be 200m <sup>2</sup> .	D
	<del>41.4.9.2</del> The total floor space gross floor area of all commercial activities in the R(HD) A to E Activity Areas shall not exceed 550m <sup>2</sup> <u>across all areas.</u>	NC
	<del>41.4.9.341.3.9.2</del> The total gross area of land that can be developed for commercial activities within the V (JP) Activity Area shall not exceed 9.9 hectares.	D
	<del>41.4.9.441.3.9.3</del> The total floor space of all commercial activities within the V (HB) Activity Area shall not exceed 28,000m <sup>2</sup> .	D

**Comment [MSOffice98]:** Jacks Point Residents No. 2 et al (856)

**Comment [MSOffice99]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joans Williams (605).

**Comment [MSOffice100]:** Jacks Point Residents No. 2 et al (856). NB - it may be that for both the Hanley Downs and Jacks Point residential areas can be subject to this last sentence and the preceding one removed. It needs to be clear the average is calculated for each AA (1, 2, etc.) and not for all R(JP) areas collectively.

**Comment [MSOffice101]:** QLDC (383)

**Comment [MSOffice102]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice103]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joans Williams (605). The Jacks Point Landowners submissions also relevant insofar as the recommendation not to create the EIC will assist the commercial viability of the Jacks Point village

**Comment [MSOffice104]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), and Margaret Joans Williams (605). The Jacks Point Landowners submissions also relevant insofar as the recommendation not to create the EIC will assist the commercial viability of the Jacks Point village

**Comment [MSOffice105]:** Improved legibility only.

**Comment [MSOffice106]:** Non substantive, for improved legibility only. Jacks Point Landowners (regarding making the Jacks Point village commercially viable).





# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status																																																																												
	<p><del>k.i.</del> All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event). 4m</p> <p><del>41.4.12.3</del> <del>341.3.12.3</del> The maximum height for any building shall be measured from ground level, measured at any point, to the highest part of the building immediately above that point, except in the Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for each Homesite, as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Homesite</th> <th style="text-align: left;">Datum (masl)</th> <th style="text-align: left;">Homesite</th> <th style="text-align: left;">Datum (masl)</th> </tr> </thead> <tbody> <tr><td>HS1</td><td>372.0</td><td>HS19</td><td>372.0</td></tr> <tr><td>HS2</td><td>381.0</td><td>HS20</td><td>377.2</td></tr> <tr><td>HS3</td><td>381.0</td><td>HS21</td><td>372.5</td></tr> <tr><td>HS4</td><td>377.0</td><td>HS22</td><td>374.0</td></tr> <tr><td>HS5</td><td>388.0</td><td>HS23</td><td>371.5</td></tr> <tr><td>HS6</td><td>382.0</td><td>HS24</td><td>372.4</td></tr> <tr><td>HS7</td><td>379.0</td><td>HS25</td><td>373.0</td></tr> <tr><td>HS8</td><td>386.5</td><td>HS26</td><td>378.1</td></tr> <tr><td>HS9</td><td>389.0</td><td>HS27</td><td>388.0</td></tr> <tr><td>HS10</td><td>395.0</td><td>HS28</td><td>392.6</td></tr> <tr><td>HS11</td><td>396.0</td><td>HS29</td><td>385.5</td></tr> <tr><td>HS12</td><td>393.0</td><td>HS30</td><td>395.9</td></tr> <tr><td>HS13</td><td>399.0</td><td>HS31</td><td>393.7</td></tr> <tr><td>HS14</td><td>403.0</td><td>HS32</td><td>384.8</td></tr> <tr><td>HS15</td><td>404.0</td><td>HS33</td><td>385.8</td></tr> <tr><td>HS16</td><td>399.5</td><td>HS34</td><td>399.0</td></tr> <tr><td>HS17</td><td>394.5</td><td>HS35</td><td>405.0</td></tr> <tr><td>HS18</td><td>392.5</td><td>HS36</td><td>400.3</td></tr> </tbody> </table> <p><del>41.4.12.4</del> <del>Within the R(HD) and R(HD-SH) Activity Areas:</del></p> <p style="margin-left: 20px;"><del>a. In addition to the maximum height of buildings above, within all R(HD) Activity Areas, except for:</del></p> <ul style="list-style-type: none"> <li><del>• Sites smaller than <math>550\ 380\text{m}^2</math> created by subdivision;</del></li> <li><del>• A medium density residential development consented under Rule 41.4.6;</del></li> </ul> <p style="margin-left: 20px;"><del>On flat sites, no part of any building shall protrude through a 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.:</del></p> <ul style="list-style-type: none"> <li><del>(i) Northern Boundary: 2.5m and 55 degrees;</del></li> <li><del>(ii) Western and Eastern Boundaries: 2.5m and 45 degrees;</del></li> <li><del>(iii) Southern Boundaries: 2.5m and 35 degrees;</del></li> </ul> <p style="margin-left: 20px;"><del>Except that:</del></p> <ul style="list-style-type: none"> <li><del>(iv) Gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</del> <ul style="list-style-type: none"> <li><del>b. A gable or dormer may encroach beyond the recession lines where it is:</del></li> </ul> </li> </ul>	Homesite	Datum (masl)	Homesite	Datum (masl)	HS1	372.0	HS19	372.0	HS2	381.0	HS20	377.2	HS3	381.0	HS21	372.5	HS4	377.0	HS22	374.0	HS5	388.0	HS23	371.5	HS6	382.0	HS24	372.4	HS7	379.0	HS25	373.0	HS8	386.5	HS26	378.1	HS9	389.0	HS27	388.0	HS10	395.0	HS28	392.6	HS11	396.0	HS29	385.5	HS12	393.0	HS30	395.9	HS13	399.0	HS31	393.7	HS14	403.0	HS32	384.8	HS15	404.0	HS33	385.8	HS16	399.5	HS34	399.0	HS17	394.5	HS35	405.0	HS18	392.5	HS36	400.3	<p>NC</p> <p>NC RD</p>
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Comment [MSOffice118]: RCL (632)

Comment [MSOffice113]: RCL (632)  
 Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605).

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# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<ul style="list-style-type: none"> <li>• <del>no greater than 1m in height and width measured parallel to the nearest adjacent boundary</del></li> <li>• <del>no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.</del></li> </ul> <p><del>(v) A recession line restriction shall not apply to accessory buildings nor common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.</del></p> <p><del>Advice Note: Refer to Definitions for detail of the interpretation of recession planes.</del></p> <p><del>Discretion is restricted to the following:</del></p> <ul style="list-style-type: none"> <li>• <del>Privacy effects.</del></li> <li>• <del>Access to sunlight and the impacts of shading.</del></li> <li>• <del>Effects upon access to views of significance.</del></li> <li>• <del>Visual dominance and external appearance.</del></li> </ul> <p><del>41.4.12.541.3.12.4 For:</del></p> <p>a. <del>Any non residential activity consented under Rule 41.4.9.</del></p> <p>a. <del>Any medium density residential housing development consented under Rule 41.4.6.</del></p> <p>b. <del>Sites smaller than 550 380m<sup>2</sup> created by subdivision.</del></p> <p><del>the maximum height of buildings may exceed the maximum height stated in (a) above, up to a maximum of 3 storeys or 10m (whichever is lesser).</del></p> <p><del>Notwithstanding the height limit in Clause (a) above, for any commercial activity located within the EIC Activity Area, consented under Rule 41.4.7, the maximum height of any building shall be 15m.</del></p>	
41.4.1341.3.1	<p><b>Glare</b></p> <p><del>41.4.13.141.3.13.1 All fixed lighting shall be directed away from adjacent roads and properties.</del></p> <p><del>41.4.13.241.3.13.2 No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</del></p>	NC
41.4.1441.3.1	<p><b>Servicing</b></p> <p><del>41.4.14.141.3.14.1 All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications. <del>Except this rule does not apply to dwellings located within Activity Areas FP-1 and FP-2.</del></del></p> <p><del>41.4.14.241.3.14.2 All services, with the exception of stormwater systems, shall be reticulated underground.</del></p>	NC NC

Comment [MSOffice114]: RCL (631) and also for consistency with similar rules elsewhere in the PDP

Comment [MSOffice115]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners.

Comment [MSOffice116]: RCL (632)

Comment [MSOffice117]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners (insofar as this will assist the commercial viability of the Jacks Point village).

Comment [MSOffice119]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners.

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.4.15.1	<p><b>Building Coverage</b></p> <p><del>41.4.15.1</del> On any site within the R(JP), R(JP-SH) <del>and E Activity Areas</del>, buildings shall not exceed a maximum site coverage of 45%; <del>and</del></p> <p><del>On any site within the R(HD) and R(HD-SH) Activity Areas, buildings shall not exceed a maximum site coverage of 50%.</del></p> <p>Except, in relation to any medium density residential housing development consented under Rule 41.4.6 where a maximum site coverage of 55% shall apply.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• <del>Urban design.</del></li> <li>• <del>Effects on amenity values for neighbours and the character of the Activity Area.</del></li> </ul> <p>41.5.15.2 On any site within the <del>EIC, R(HD), R(HD-SH)</del>, buildings shall not exceed a maximum building coverage of 50%, except:</p> <ol style="list-style-type: none"> <li>a. <del>Residential activity consented under Rule 41.4.6 medium density residential housing, where a maximum site coverage of 70% shall apply;</del></li> <li>b. <del>Any non-residential activity consented under Rule 41.4.7 where a maximum site coverage of 70% shall apply;</del></li> <li>c. <del>This rule shall not apply to sites smaller than 550m<sup>2</sup> created by subdivision.</del></li> </ol> <p><del>Except:</del></p> <ol style="list-style-type: none"> <li>b. <del>Residential activity in the R(JP), R(JP-SH), R(HD), and R(HD-SH) Activity Areas consented under Rule 41.4.6 (medium density residential development) or under Rule 27.7.11.3 or 27.6.1 shall not exceed a maximum site coverage of 55%.</del></li> </ol> <p><del>Discretion is restricted to all of the following:</del></p> <ul style="list-style-type: none"> <li>• <del>Urban design.</del></li> <li>• <del>Effects on amenity values for neighbours; and, the character of the Activity Area.</del></li> <li>• <del>Stormwater management.</del></li> </ul> <p><del>41.4.15.2</del> Within the Jacks Point Village Activity Areas maximum building coverage, calculated across the total Activity Area site coverage shall not exceed <del>60%</del>.</p> <p>Discretion is restricted to the matters listed in <del>Rule clause (41.5.15.2-1)</del> above.</p> <p><del>41.4.15.3</del> Within the Village (Homestead Bay) Activity Area, the maximum building coverage, calculated across the total Activity Area shall not exceed <del>60%</del> a maximum of</p>	<p>RD</p> <p>RD</p> <p>RD</p> <p>RD</p> <p>NC-RD</p>

**Comment [MSOffice120]:** No substantive change - simply shifted the rule to below.

**Comment [MSOffice121]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners (insofar as this will assist the commercial viability of the Jacks Point village).

**Comment [MSOffice122]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joans Williams (605) regarding coverage and difference in outcomes promoted in various portions (including Geddes' concerns re loss of the ODP 5% building coverage rule).

**Comment [SG123]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners (as this reinstates the calculation technique/ rule from the ODP).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p><del>21,500 m<sup>2</sup>.</del></p> <p>Discretion is restricted to the matters listed in <u>Rule (41.5.15.-1) above.</u></p>	
<del>41.4.16</del> <u>41.3.16</u>	<p><b>Outside storage and activities</b></p> <p><del>41.4.16.</del><u>41.3.16.1</u> No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p><del>41.4.16.</del><u>41.3.16.2</u> All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming.</p> <p>Except within the Village Activity Areas, where outside storage and activities are permitted.</p>	NC
<del>41.4.17</del> <u>41.3.17</u>	<p><b>Location of Retail Activities</b></p> <p><del>41.4.17.</del><u>41.3.17.1</u> <u>Retail activities within the R(HD) Activity Areas shall be located within 120 metres of the Primary Road shown on the Structure Plan or within 120 metres of its final formed location.</u></p>	NC
<del>41.4.18</del> <u>41.3.18</u>	<p><b>Temporary and Permanent Storage of Vehicles</b></p> <p>Within the Tablelands <u>Landscape Protection Area</u> (refer Structure Plan), but excluding the Homesite and Lodge Activity Areas (HS) and (L) Activity Areas, there shall be no temporary or permanent siting of:</p> <ul style="list-style-type: none"> <li>• Motor vehicles, trailers, caravans, boats or similar objects;</li> <li>• Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and</li> <li>• Scaffolding or similar construction materials;</li> </ul> <p>Except for temporary filming towers erected during an event and for no more than 7 days either side of an event.</p>	NC
<del>41.4.19</del> <u>41.3.19</u>	<p><b>Wetlands</b></p> <p>There shall be no development, landscaping, and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, <u>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.</u></p>	NC

**Comment [MSOffice124]:** Jardine Family Trust and Remarkables Station Limited (715), Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joans Williams (605).

**Comment [MSOffice125]:** Non substantive and consequent change resulting from re-numbering

**Comment [MSOffice126]:** Non substantive for legibility only

**Comment [MSOffice127]:** Jacks Point Residential No.2 et al (762)

**Comment [SG128]:** Non substantive for legibility only

## 41.5.4.1 Non-Notification of Applications

~~41.5.14.1~~41.4.1 Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

# JACKS POINT ZONE 41

~~41.5.2~~41.4.2 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 their written approval to the relevant application under Part 6 RMA has not been obtained:

~~41.5.2.1~~41.4.2.1 Rule 41.4.3.3 Residential Units in the FP-2 Activity Area and Visitor Accommodation within FP-1 and FP – 2 Activity Areas

~~41.5.2.2~~41.4.2.2 Rule 41.4.7 Commercial activities, community and visitor accommodation

~~41.5.2.3~~41.4.2.3 Rule 41.4.8 Sale of Liquor

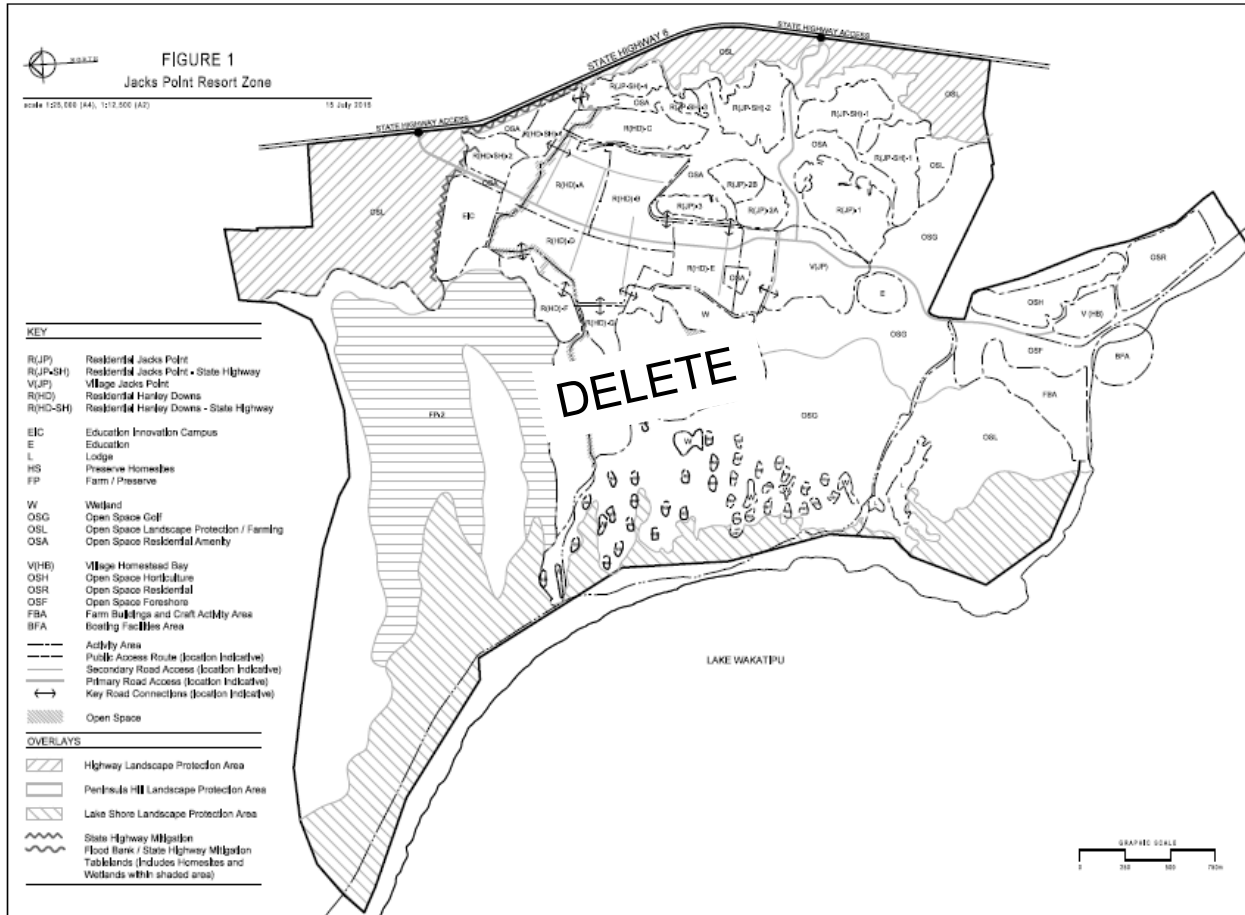
~~41.5.2.4~~41.4.2.4 Rule 41.5.5 Setbacks from Roads and Internal Boundaries

~~41.5.2.5~~41.4.2.5 Rule 41.5.6 Access to the State Highway, ~~only in respect of the New Zealand Transport Agency~~

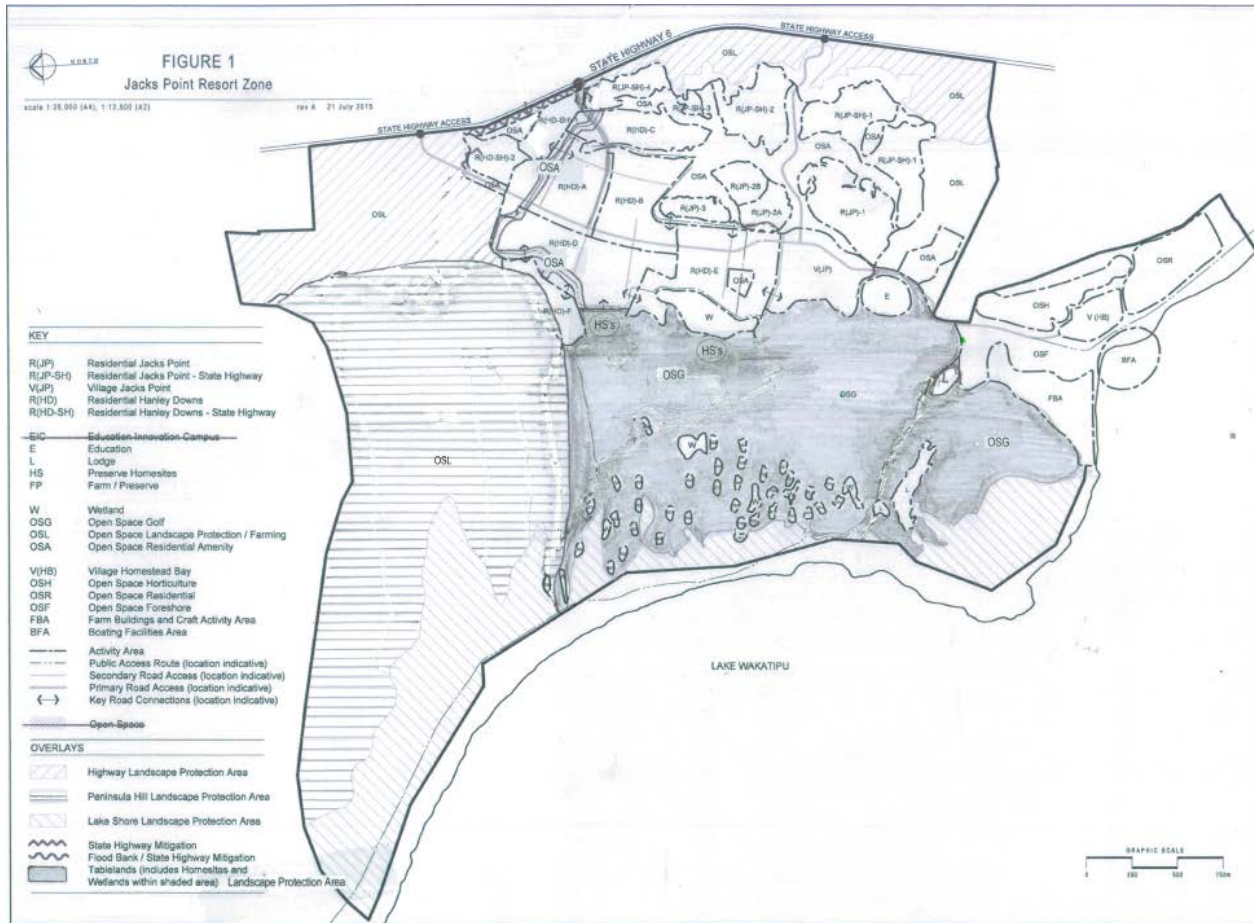
**Comment [MSOffice129]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners

**Comment [MSOffice130]:** Considered *ultra vires* for reasons outlined in the Council's legal submissions for Business Hearing Stream 8 dated 13 December 2016.

41.641.5 Structure Plan



# JACKS POINT ZONE 41





# JACKS POINT ZONE 41

## 41.741.6 Jacks Point Plant List

### TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Aristotelia serrata</i>	Wineberry	x	x		x	x		x
<i>Carpodetus serratus</i>	Putaputaweta / marbleleaf	x	x		x		x	
<i>Coprosma linariifolia</i>	Mikimiki	x	x		x	x		x
<i>Cordyline australis</i>	Ti kouka / cabbage tree	x	x		x	x		x
<i>Fuchsia excorticata</i>	Kotukutuku / tree fuchsia		x		x		x	
<i>Elaeocarpus hookerianus</i>	Pokaka		x		x		x	
<i>Griselinia littoralis</i>	Kapuka / broadleaf	x	x		x	x		x
<i>Hoheria lyallii</i>	Mountain ribbonwood	x			x			x
<i>Melicytus lanceolatus</i>	Mahoe wao	x	x		x		x	
<i>Melicytus ramiflorus</i>	Mahoe / whiteywood	x	x		x	x		x
<i>Metrosideros umbellata</i>	Southern rata	x	x		x	x		x
<i>Myrsine australis</i>	Mapou	x	x	x	x	x		x
<i>Nothofagus fusca</i>	Red beech	x	x		x	x	x	
<i>Nothofagus solandri</i> var. <i>cliffortioides</i>	Mountain beech	x	x		x	x	x	
<i>Pennantia corymbosa</i>	Kaikomako	x	x		x	x		x
<i>Pittosporum eugenioides</i>	Tarata / lemonwood	x	x		x	x		x
<i>Pittosporum tenuifolium</i>	Kohuhu	x	x		x	x		x
<i>Podocarpus hallii</i>	Hall's Totara	x	x		x	x		x
<i>Prumnopitys taxifolia</i>	Matai		x	x	x	x	x	
<i>Pseudopanax crassifolius</i>	Lancewood	x	x		x	x		x
<i>Sophora microphylla</i>	Kowhai	x	x		x	x	x	

Comment [SG131]: Heading of table repeated on each page, for readability purposes.

### SHRUBS

<i>Aristotelia fruticosa</i>	Mountain wineberry	x			x			x
<i>Carmichaelia petriei</i>	NZ broom	x	x	x	x			x
<i>Coprosma crassifolia</i>	NZ Coprosma	x	x		x	x		x
<i>Coprosma lucida</i>	Shining Karamu		x	x	x	x		x
<i>Coprosma propinqua</i>	Mingimingi	x			x	x		x
<i>Coprosma rugosa</i>	Needle-leaved Mt	x	x		x	x		x
<i>Corokia cotoneaster</i>	Korokia	x	x		x	x		x
<i>Cyathodes juniperina</i>	Mingimingi	x	x			x		x
<i>Discaria toumatou</i>	Matagouri	x			x	x		x
<i>Dracophyllum longifolium</i>	Inaka	x	x			x		x
<i>Dracophyllum uniflorum</i>	Turpentine shrub	x	x		x			x
<i>Gaultheria antipoda</i>	Tall snowberry	x		x	x	x	x	
<i>Hebe cupressoides</i>	Cypress Hebe	x				x		x
<i>Hebe odora</i>		x			x			x
<i>Hebe rakaiensis</i>		x			x	x		x
<i>Hebe salicifolia</i>	South Island Koromiko	x			x			x
<i>Hebe subalpina</i>		x			x	x		x
<i>Leptospermum scoparium</i>	Manuka	x	x		x	x		x
<i>Melicytus alpinus</i>	Porcupine shrub	x	x		x	x		x

# JACKS POINT ZONE 41

## TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Myrsine divaricata</i>	Weeping mapou	x	x		x	x		x
<i>Olearia arborescens</i>	Southern Tree Daisy	x	x		x	x		x
<i>Olearia avicenniifolia</i>	Tree Daisy	x				x		x
<i>Olearia bullata</i>		x			x	x		x
<i>Olearia cymbifolia</i>		x	x		x	x		x
<i>Olearia fragrantissima</i>		x				x	x	
<i>Olearia hectori</i>		x			x	x		x
<i>Olearia lineata</i>	Tree Daisy	x	x		x	x		x
<i>Olearia nummulariaefolia</i>	Tree Daisy	x				x		x
<i>Olearia odorata</i>	Tree Daisy	x			x		x	
<i>Ozothamnus</i> sp.	Cottonwood	x			x	x		x
<i>Pimelea aridula</i>	NZ daphne	x			x	x		x
<i>Pseudopanax colensoi</i> var. <i>ternatus</i>	Mountain three finger		x	x	x	x		x

Comment [SG131]: Heading of table repeated on each page, for readability purposes.

## GRASSES

<i>Aciphylla aurea</i>	Golden speargrass	x				x		x
<i>Aciphylla glaucescens</i>	Blue speargrass	x				x		x
<i>Astelia fragrans</i>	Bush lily		x	x	x		x	
<i>Astelia nervosa</i>	Mountain Astelia		x	x	x	x		x
<i>Carex coriacea</i>	NZ swamp sedge	x			x			x
<i>Carex maorica</i>	Carex	x	x		x			x
<i>Carex secta</i>	Purei	x	x		x			x
<i>Chionochloa conspicua</i>	Bush tussock	x	x		x	x		x
<i>Chionochloa rigida</i>	Narrow-leaved snow	x			x	x		x
<i>Chionochloa rubra</i>	Red Tussock	x			x	x		x
<i>Cortaderia richardii</i>	South Island Toeotoe	x			x	x		x
<i>Festuca novae zelandiae</i>	Hard tussock	x				x		x
<i>Juncus distegus</i>	Wiwi		x		x			x
<i>Juncus gregiflorus</i>	NZ soft rush		x		x			x
<i>Juncus sarophorus</i>	Wiwi	x	x		x			x
<i>Phormium cookianum</i>	Mountain flax	x			x	x		x
<i>Phormium tenax</i>	Harakeke/swamp flax	x			x	x		x
<i>Poa cita</i>	Silver tussock	x			x	x		x
<i>Schefflera digitata</i>	Seven finger	x	x		x	x	x	
<i>Schoenus pauciflorus</i>	Bog rush	x			x		x	
<i>Typha orientalis</i>	Raupo / bullrush	x			x			x

## SUBDIVISION and DEVELOPMENT 27

**Key:**

Recommend changes to notified chapter recommended through the chapter 41 (Jacks Point) hearing are shown in double underlined text for additions and ~~strike through text~~ for deletions, Appendix 1 to the Jacks Point section 42A report, dated 17 January 2017.

Note: Only relevant provisions from Chapter 27 have been copied into this Appendix 1, not the whole chapter.

Red underlined text for additions and ~~strike through~~ text for deletions (or relocated text), Appendix 1 to Nigel Bryce's Right of Reply, dated 26 August 2016

Green underlined text for additions and ~~strike through~~ text for deletions, dated 29 July 2016 (Additional Information)

Red text in comment bubbles for additions as at 19 July 2016, which updates referencing in response to the Panel's Minute dated 7 July 2016 concerning references to PDP provisions.

Black underlined text for additions and ~~strike through~~ text for deletions or relocated, Appendix 1 to Nigel Bryce's s42A report, dated 29 June 2016.

# SUBDIVISION and DEVELOPMENT 27

## 27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

Comment [RC132]: Relocated from Notified Section 27.7 (page 15)

27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints **identified within the Jacks Point Structure Plan located within Chapter 41.**

Comment [RC133]: Relocated from Notified Objective 27.7.14 (page 20)

### Policies

27.3.13.4 Enable the creation of lots which breach the minimum lot size standard within the Hanley Downs Residential Activity Area of the Jacks Point Zone provided appropriate design controls are established to ensure a high quality urban design outcome and that effects on adjacent sites are avoided or minimised.

Comment [MSOffice134]: RCL (632)

27.3.13.5 Ensure that, where the minimum lot size standard is breached within either the Hanley Downs or Jacks Point Residential Activity Areas of the Jacks Point Zone, legally enforceable design controls are imposed on the title in relation to bulk and location and other design matters aimed at achieving a high quality urban design outcome and avoiding or minimising effects on adjacent sites.

Comment [MSOffice135]: Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joans Williams (605), and Tim and Paula Williams (601).

## SUBDIVISION and DEVELOPMENT 27

### 27.5 Rules – Subdivision

27.5.1 All subdivision requires resource consent unless specified as a permitted activity. The abbreviations set out below are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

<u>P</u>	<u>Permitted</u>	<u>C</u>	<u>Controlled</u>
<u>RD</u>	<u>Restricted Discretionary</u>	<u>D</u>	<u>Discretionary</u>
<u>NC</u>	<u>Non Complying</u>	<u>PR</u>	<u>Prohibited</u>

**Comment [RC136]:** Consequential clarification provision related to the recommended changes to the rules and activity status.

	<b>Subdivision Activities – District Wide</b>	<b>Activity status</b>
<u>27.5.13</u> <u>27.5.15</u>	Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.56 and location specific standards in part 27.87, <u>except including the creation of lots less than 380m<sup>2</sup> minimum lot in size within the R(HD) Activity Area shall be assessed as a restricted discretionary activity under Rule 27.7.11.3.</u>	D

**Comment [RC137]:** Relocated from Notified Rule 27.4.2(a) (page 10)

# SUBDIVISION and DEVELOPMENT 27

## 27.6 Rules - Standards for Subdivision Activities

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

**Comment [RC138]:** Relocated from Notified Rule 27.5.1 (page 11)

Zone		Minimum Lot Area
<b>Jacks Point</b>	Residential Activity Areas	380m <sup>2</sup>
	<del>FP-1 Activity Area</del>	<del>4000m<sup>2</sup> Average 2ha</del>
	<del>FP-2 Activity Area</del>	<del>2 hectares Average 40ha</del>
	All other Activity Areas	Subdivision shall comply with the average density requirements set out in Rule 41.5.8.

**Comment [MSOffice140]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605), the Jacks Point Landowners, and JPROA (765).

**Comment [MSOffice141]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).

**Comment [RC139]:** Submission 762.4

# SUBDIVISION and DEVELOPMENT 27

## 27.7 Rules – Zone and Location Specific Standards

	Zone Specific Standards	Activity status
27.7.11	<b>Jacks Point</b>	
27.7.11.1	<p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <ul style="list-style-type: none"> <li>a A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;</li> <li>b Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;</li> <li>c Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;</li> <li>d <u>The boundaries of Open Spaces Activity Areas are indicative and may be varied by up to 20 m</u> <del>Open Spaces are shown indicatively,</del> with their exact location and parameters to be established through the subdivision process.</li> </ul>	D
27.7.11.2	<p><del>Subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots.</del></p> <ul style="list-style-type: none"> <li><del>ii. Within the Farm Preserve 1 (FP 1) Activity Area, any subdivision shall:</del> <ul style="list-style-type: none"> <li><del>a) Provide for the creation and management of open space, which may include native re-vegetation, within the “open space” areas shown on the Structure Plan, through the following:</del> <ul style="list-style-type: none"> <li><del>ii. The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or</del></li> <li><del>iii. Hold within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site</del></li> </ul> </li> </ul> </li> </ul>	RD

Comment [MSOffice142]: RCL (632)

Comment [MSOffice143]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605), the Jacks Point Landowners, and Tim and Paula Williams (601).

Comment [RC144]: Submission 762.7

## SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
27.7.11.3	<p style="text-align: center;"><del>from any future building development.</del></p> <p><del>Subdivision that fails to comply with the 380m<sup>2</sup> minimum lot size for subdivision within the Hanley Downs Residential Activity Areas of the Jacks Point Zone, part of the Jacks Point Zone.</del></p> <p>For Rules 27.7.11.2 and 27.7.11.3 discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>iv. Subdivision design;</li> <li>v. Traffic generation;</li> <li>vi. Access; <del>and</del></li> <li>vii. Landscape and visual effects; <del>and</del></li> <li>viii. <u>The design controls proposed to be secured through appropriate legal mechanisms, including in relation to building bulk and location, roadside fencing, window heights and locations, effects on the amenity of adjacent sites, and landscaping.</u></li> <li>ix. The visibility of future development from State Highway 6 and Lake Wakatipu.</li> <li>x. Traffic, access.</li> <li>xi. Maintenance or enhancement of nature conservation values.</li> <li>xii. Creation of open space and infrastructure.</li> </ul>	RD

**Comment [MSOffice145]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601).

**Comment [MSOffice146]:** Non substantive; amended wording for improved legibility and consistency

**Comment [MSOffice147]:** Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

**Comment [RC148]:** Relocated from Notified Rule 27.8.9.1 and 27.8.9.2 (page 27)



## SUBDIVISION and DEVELOPMENT 27

<u>27.7.4 Assessment Matters</u>	
	<ul style="list-style-type: none"> <li>• <u>The assessment criteria identified under Rule 27.7.1.</u></li> <li>• <u>The provision of public access routes, primary, secondary and key road connections.</u></li> <li>• <u>Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters:</u> <ul style="list-style-type: none"> <li>- <u>The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.</u></li> <li>- <u>Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.</u></li> <li>- <u>Road and street designs.</u></li> <li>- <u>The location and suitability of proposed open spaces.</u></li> <li>- <u>Management responses to remove wilding trees.</u></li> </ul> </li> <li>• <u>Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.</u></li> <li>• <u>Within the R(HD) Activity Area of the Jacks Point Zone, the creation of sites sized between 380m<sup>2</sup> and 550m<sup>2</sup>, without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:</u> <ul style="list-style-type: none"> <li>- <u>Building setbacks from boundaries.</u></li> <li>- <u>Location and heights of garages and other accessory buildings.</u></li> <li>- <u>Height limitations for parts of buildings, including recession plane requirements.</u></li> <li>- <u>Window locations.</u></li> <li>- <u>Building coverage.</u></li> <li>- <u>Roadside fence heights.</u></li> </ul> </li> <li>• <u>Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.</u></li> <li>• <u>Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are</u></li> </ul>

Comment [MSOffice149]: Improved legibility

## SUBDIVISION and DEVELOPMENT 27

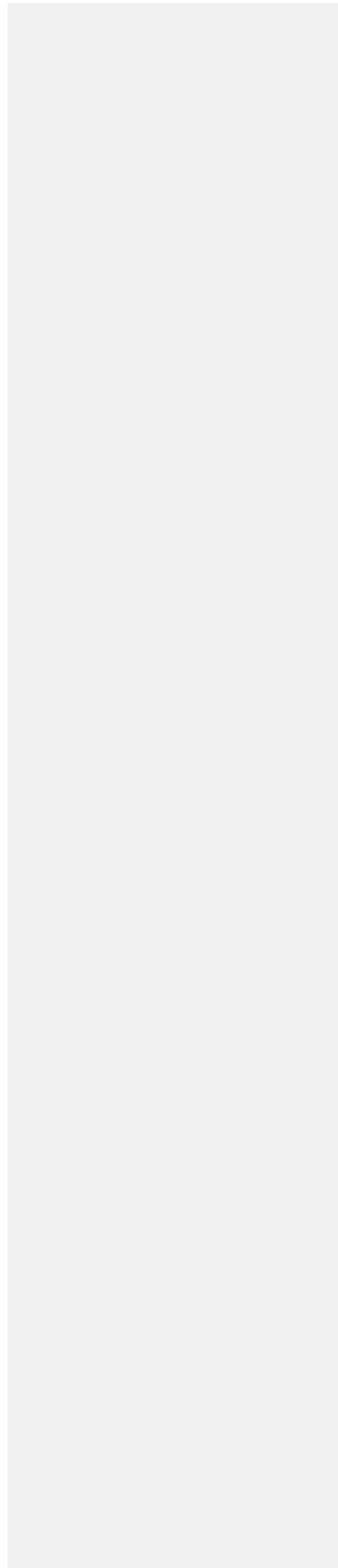
<u>27.7.4 Assessment Matters</u>	
	<p><u>straight (+/- 15 degrees).</u></p> <ul style="list-style-type: none"> <li>• <u>In the R(HD) Activity <del>Hanley Downs Areas</del> of the Jacks Point Zone where subdivision of land within any Residential Activity Area results in allotments less than 380m<sup>2</sup> in area:</u> <ul style="list-style-type: none"> <li>- <u>Those matters listed for consideration in relation to the creation of sites sized between 380m<sup>2</sup> and 550m<sup>2</sup> sites in the R(HD) Activity Area of the Jacks Point Zone, plus:</u> <ul style="list-style-type: none"> <li>- <u>The extent to which such sites are configured:</u> <ul style="list-style-type: none"> <li>▪ <u>with good street frontage.</u></li> <li>▪ <u>to enable sunlight to existing and future residential units.</u></li> <li>▪ <u>To achieve an appropriate level of privacy between homes.</u></li> </ul> </li> <li>- <u>The extent to which parking, access and landscaping are configured in a manner which:</u> <ul style="list-style-type: none"> <li>▪ <u>minimises the dominance of driveways at the street edge.</u></li> <li>▪ <u>provides for efficient use of the land.</u></li> <li>▪ <u>maximises pedestrian and vehicular safety.</u></li> <li>▪ <u>addresses nuisance effects such as from vehicle lights.</u></li> </ul> </li> <li>- <u>The extent to which subdivision design satisfies:</u> <ul style="list-style-type: none"> <li>▪ <u>public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.</u></li> </ul> </li> </ul> </li> <li>• <u>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.</u></li> <li>• <u>Refer Policies 27.3.13.1 to 27.3.13.3.</u></li> </ul> </li> </ul>

Comment [MSOffice150]: Improved legibility and consistency with the wording of other assessment matters.

Comment [MSOffice151]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Comment [RC152]: Relocated from Notified Rule 27.7.14.2 (page 20)

## Appendix B



## 41 Jacks Point Zone

### 41.1 Zone Purpose

The purpose of the Jacks Point Zone is to provide for high quality residential, commercial, visitor accommodation and recreation activities with supporting facilities and services. The zone anticipates high levels of planned open space where development enclaves are set between the areas of open space. To achieve this, integrated planning in accordance with a structure plan is required.

#### Objectives and Policies

**41.1.1** Objective - An integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities, community facilities, recreational facilities and amenities, and extensive open space areas, developed and maintained in a manner which provides for the protection of outstanding natural features and landscapes, the maintenance and enhancement of public access to and along Lake Wakatipu, and recognises the value of areas of open space to residents' and visitors' amenity and outlook.

#### Policies

**41.1.1.1** Use a Structure Plan to establish the spatial layout of development within the zone and thereby achieve diversity of living and complimentary activities, recognition of landscape and amenity values, the road, open space and trail networks and the need for integration of activities and servicing. Ensure subdivision and development incorporates the design elements shown on the Structure Plan.

**41.1.1.2** Require building and activities to be located in accordance with the Structure Plan (41.7) in order to ensure that the following objectives are achieved:

- Integration of activities and servicing;
- The recognition and protection of landscape and amenity values; and
- High-quality roading, open space and trail networks.

**41.1.1.3** Maintain and protect important views into and across the site when viewed from the lake, and to maintain and protect important views across the site to the mountain peaks beyond when viewed from public places outside the Jacks Point Zone.

**41.1.1.4** Ensure areas of open space are integrated into and between areas of development and recognise the importance of these areas to the identity, character, amenity and outlook for residents and visitors.

**41.1.1.5** Ensure that residential development is not readily visible from the State Highway.

**41.1.1.6** Provide public access from the State Highway to the lake foreshore, to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.

**41.1.1.7** Provide for local biodiversity through:

- The protection and enhancement of existing ecological values, in a holistic manner;
- The prevention of grazing in watercourses and wetlands, and the control of grazing around wetland areas and watercourses; and

# JACKS POINT ZONE 41

- The provision of links between grey shrublands, wetlands and the lakeshore escarpment, including indigenous vegetation links between Activity Areas where appropriate.

**41.1.1.8** Ensure that development within the ecologically sensitive areas of the zone results in a net environmental gain for those areas.

**41.1.1.9** Control the take-off and landing of aircraft within the zone.

**41.1.1.10** Ensure that subdivision, development and ancillary activities within the Tablelands Landscape Protection Area protects outstanding natural features and landscapes from inappropriate use and development, and maintains and enhances the character of the landscape.

**Comment [MSOffice1]:** Non substantive for legibility only

**41.1.1.11** Provide for farming and associated activities only in appropriate areas, recognising certain forms of farming may not be appropriate adjoining residential areas where they may cause nuisance effects while ensuring that development associated with those activities does not result in domestication of the landscape.

**Comment [MSOffice2]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**41.1.1.12** Avoid mining activities which are not essential to the sustainable development and use of the Jacks Point zone.

**41.1.1.13** Provide for low density rural living within the Homesites.

**41.1.1.14** Ensure the visual impacts of subdivision and development within the Residential State Highway Activity Areas are avoided or appropriately mitigated through subdivision design and location of dwellings, landscaping and the provision of open space.

**Comment [MSOffice3]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**41.1.1.15** Enable the Jacks Point Village Activity Area to develop as a vibrant mixed use hub for the Jacks Point Zone, comprising a range of activities including high density and medium density residential housing, a small local shopping centre that services the needs of Jacks Point residents and provides a small amount of destination shopping, office space, visitor accommodation, education facilities, community activities, healthcare, commercial recreation activity, and technology and innovation-based business.

**Comment [MSOffice4]:** Jacks Point Landowners, Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joans Williams (605).

**41.1.1.16** Enable commercial and community activities and visitor accommodation, provided residential amenity, health, and safety are protected and enhanced through:

- Compatible hours of operation and noise;
- A high standard of building design;
- The location and provision of open space, buffers and setbacks;
- Appropriate landscape mitigation;
- The design of vehicle access and car parking; and
- An appropriate scale of activity and form of building development.

**41.1.1.17** Use residential development controls to protect privacy and amenity, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.

**41.1.1.18** Avoid industrial activities.

**41.1.1.19** Provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.

**41.1.1.20** Ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay and Home site activity areas within the Tablelands Landscape Protection Area.

**Comment [MSOffice5]:** Non substantive for legibility only.

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- 41.1.1.21 Provide safe and efficient road access from State Highway 6.
- 41.1.1.22 Ensure provision of integrated servicing infrastructure, including roading and vehicle access.
- 41.1.1.23 Ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not adversely affect water quality or other environmental values.
- 41.1.1.24 Ensure that the visual impacts of development within the Village Areas are avoided or otherwise mitigated through landscaping, building design and the provision of open space, compliance with development controls and performance standards and the application of the Village Design guidelines.
- 41.1.1.25 Encourage high quality urban design throughout the village by:
  - a. 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;
  - b. encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and
  - c. encouraging the incorporation of parapets, corner features for landmark sites, and other design elements in order to achieve a positive design outcome by providing for a generous 3 storey building height in the Jacks Point village and generous 2 storey commercial development in the Homestead Bay village.

**Comment [MSOffice6]:** Jacks Point Residential No. 2 et al (762), Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605), and Jacks Point Landowners (as encouraging quality development will improve commercial viability and will help to achieve a quality outcome as encouraged through the ODP outline plan approval process).

## 41.2 Other Provisions and Rules

### 41.1.2 Methods of Implementation

The objective and associated policies will be implemented through a number of methods including:

- (i) District Plan:
  - a. Adherence to a Structure Plan to ensure comprehensive and integrated development within the zone; and
  - b. Rules providing for activities, specifying standards for development and performance standards.
- (ii) Other Methods
  - a. Council approved Development Controls and Design Guidelines in respect of buildings and landscaping;
  - b. The Jacks Point Stakeholders Deed (including the Jacks Point Stakeholders Supplementary Deed).

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## 41.1.3 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
<del>24</del> Signs (18 <u>Operative</u> )	<del>25</del> Earthworks (22 <u>Operative DP</u> )	26 Historic Heritage
27 Subdivision	28 Natural Hazards	<del>29</del> Transport (14 <u>Operative DP</u> )
30 Energy and Utilities	<del>31</del> Hazardous Substances (16 <u>Operative DP</u> )	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

## 41.1.4 Clarification

- 41.1.4.1** References to the Structure Plan and to Activity Areas are references to the Jacks Point Zone Structure Plan and the Activity Areas identified on that Structure Plan.
- 41.1.4.2** Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.
- 41.1.4.3** A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 41.1.4.4** Where an activity does not comply with a rule or standard the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 41.1.4.5** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited





# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	and adjacent to the site.	
41.2.3.3	Except as provided for in 41.4.3.5 and 41.4.3.8, recreation buildings ancillary to outdoor recreation activity within the Open Space Golf, Open Space Residential, and Open Space Landscape Activity Areas, with Council's control reserved to the matters listed below in Rule 41.4.3.4 (farm buildings).	C
41.2.3.4	<p>Except as provided for in (41.4.3.5 and 41.4.3.64) below, farm buildings located within the Open Space Landscape Activity Area.</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Infrastructure and servicing.</li> <li>• Associated earthworks and landscaping.</li> <li>• Access and parking.</li> <li>• Bulk and location.</li> <li>• Exterior lighting.</li> <li>• Visibility of the building from State Highway 6 and Lake Wakatipu.</li> <li>• The location and size of the building with respect to the effect on any residents outlook or amenity</li> </ul>	C
41.2.3.5	Farm buildings and recreation buildings ancillary to outdoor recreation activity within the Peninsula Hill Landscape Protection Area and Highway Landscape Protection Area.	RD
41.2.3.6	Farm buildings within the Lake Shore Landscape Protection Area of the Open Space Landscape Activity Area.	D
41.2.3.7	Any building other than farm buildings and recreation buildings ancillary to outdoor recreation activity within the Peninsula Hill Landscape Protection Area.	D
41.2.3.8	Any building other than farm buildings within the Lake Shore Landscape Protection Area.	NC
41.2.3.9	Any building other than farm buildings and recreation buildings ancillary to outdoor recreation activity within the Highway Landscape Protection Area.	NC
41.2.3.10	Any building other than recreation buildings ancillary to outdoor recreation activity within the Open Space Golf Activity Area outside the Highway, Lakeshore and Peninsula Hill Landscape Protection Areas.	D
41.2.3.11	Within the BFA any boat ramp, jetty, breakwater or other buildings and associated parking and boat trailer parking.	RD

**Comment [MSOffice7]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice8]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice9]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice10]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

Note: Scope to make some buildings non-complying stems from the submissions to reinstate the ODP provisions, which include Rule 12.2.3.5(vii) which makes any buildings not in accordance with the Structure Plan non-complying.

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Effects on natural character.</li> <li>• Effects on landscape and amenity values.</li> <li>• Effects on public access to and along the lake margin.</li> <li>• External appearance, colours and materials.</li> <li>• Location.</li> </ul>	C
	<p><b>41.2.3.12</b> Village Activity Areas, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which is sufficiently detailed to enable the matters of control listed below to be fully considered.</p> <ul style="list-style-type: none"> <li>• Control is reserved to the following: The bulk, location and external appearance of buildings and associated carparking, including the creation of active frontages adjacent to roads and public spaces.</li> <li>• The layout and orientation of streets, lanes, open spaces, and carparking and the provision of cycle and pedestrian links.</li> <li>• Infrastructure and servicing including traffic generation and effects on the state highway arising from the density and mix of uses being proposed.</li> <li>• The adequate provision of storage and loading/ servicing areas.</li> <li>• The density and location of residential activity.</li> <li>• Landscaping.</li> </ul>	RD
	<p><b>41.2.3.13</b> Buildings within the Village Activity Area, which are not accompanied by a Comprehensive Development Plan or are in accordance with an approved Comprehensive Development Plan.</p> <p>Discretion is restricted to the matters listed above in Rule 41.4.3.9.</p>	
<b>41.2.4</b>	<p><b>Outdoor Swimming Pools and Tennis Courts</b></p> <p><b>41.2.4.1</b> Any tennis court (including fencing) located within the smaller of the two Lodge Areas and any outdoor swimming pool (including fencing) located within the Tablelands Landscape Protection Area (except spa pools less than 9m<sup>2</sup> and located within any Homesite or Lodge Activity Area) provided:</p> <p>a. The tennis court surfaces are either dark green or grey in</p>	C

**Comment [MSOffice11]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605) insofar as this rule is intended to retain the design control that exists in the ODP.

**Comment [MSOffice12]:** Non substantive for legibility only

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>colour; and</p> <p>b. Any tennis court fencing is chain mesh or similar and grey in colour'.</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Associated earthworks and landscaping.</li> <li>• Colour.</li> <li>• Fencing, including any glare resulting from the location and orientation of glass pool fencing.</li> <li>• any development controls and design guidelines.</li> </ul> <p><b>41.2.4.2</b> Any tennis court (including fencing) located within the smaller of the two Lodge Areas and any outdoor swimming pool (including fencing) located within the Tablelands Landscape Protection Area that does not comply with Rule 41.4.4.1(a) and 41.4.4.1 (b) and discretion is restricted to those matters listed in Rule 41.4.4.1.</p> <p><b>41.2.4.3</b> Except as provided for in (41.4.4.1 and 41.4.4.2), any outdoor tennis court located within the Tablelands Landscape Protection Area.</p>	<p></p> <p>RD</p> <p>NC</p>
<b>41.2.5</b>	<p><b>Mining</b></p> <p>Within the Open Space Golf-Activity Areas the mining of rock and aggregate and/or gravel, for use anywhere within the Jacks Point Zone.</p>	D
<b>41.2.6</b>	<p><b>Sale of Liquor</b></p> <p>Premises licensed for the sale of liquor (including both off-licenses and on-licenses).</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Location.</li> <li>• Scale of the activity.</li> <li>• Residential amenity values.</li> <li>• Noise.</li> <li>• Hours of operation.</li> <li>• Car parking and vehicle generation.</li> </ul>	RD
<b>41.2.7</b>	<p><b>Structure Plan - Activities</b></p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rule 41.4 Table 1 - Activities located within the Jacks Point Zone or Rule 41.5 Table 2 - Standards for Activities:</p> <p><b>41.2.7.1</b> Residential Activities Area (R) – the use of this area is restricted</p>	D

**Comment [MSOffice13]:** Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joans Williams (605), JPROA (765), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601). These submissions indirectly seek the reinstatement of RD status for tennis courts rather than relaxation of the rules. The recommended provisions strengthen the notified PDP provisions.

**Comment [MSOffice14]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**Comment [MSOffice15]:** Non substantive for legibility only

**Comment [MSOffice16]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601), Margaret Joans Williams (605), JPROA (765).

**Comment [MSOffice17]:** Consequential amendment

**Comment [MSOffice18]:** RCL (632)

# JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	to residential activities.	
41.2.7.2	Residential State Highway R(SH) – the use of this area is restricted to residential activities and for the mitigation of development from the State Highway.	
41.2.7.3	Village Area (V) – The use of this area is restricted to residential and visitor accommodation activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities, small-scale commercial activities including technology and innovation-based business, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities; and commercial recreation activities.	
41.2.7.4	Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants and conference facilities.	
41.2.7.5	Home Site Activity Area (HS) - the use of this area is restricted to residential activities with a maximum of one residential unit per HS Activity Area.	
41.2.7.6	Wetland (W) – Structures are 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.	
41.2.7.7	Open Space Golf (OSG) – the use of this area is restricted to indigenous revegetation and outdoor recreation activities, including the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices associated with golf, mining of rock, aggregate and gravel, golf equipment and clothing sales and commercial golf instruction.	
41.2.7.8	Open Space (OS) – the use of this area is restricted to pastoral farming and arable farming and endemic revegetation.	
41.2.7.9	Open Space Landscape (OSL) –activities in this area are restricted to sheep grazing, hay and silage production, trail formation and recreation activities.	
41.2.7.10	Open Space Residential Amenity (OSA) – the use of this area is restricted to recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services.	
41.2.7.11	Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities.	
41.2.7.12	Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species over 80% of the land area, and retention of open space.	
41.2.7.13	Open Space - Residential (OSR) - the use of this area is	

Comment [MSOffice19]: Jacks Point Residential No. 2 (762)

Comment [MSOffice20]: RCL (632)

Comment [MSOffice21]: Improved clarity only.

Comment [MSOffice22]: Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

## JACKS POINT ZONE 41

Table 1	Activities Located Within the Jacks Point Zone	Activity Status
	<p>restricted to 12 low level, low impact residential units set within a regenerating foreshore environment.</p> <p><b>41.2.7.14</b> Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.</p> <p><b>41.2.7.15</b> Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature or breakwater, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use.</p> <p>Note: Buildings are also subject to Rule 41.4.3.</p>	
<b>41.2.8</b>	<b>Factory Farming</b>	NC
<b>41.2.9</b>	<b>Forestry Activities</b> All forestry activities, excluding harvesting of existing forestry.	NC
<b>41.2.10</b>	<b>Mining Activities</b> With the exception of the mining of rock and/or aggregate and/or gravel provided for by Rule 41.24.5.	NC
<b>41.2.11</b>	<b>Industrial Activities</b>	NC
<b>41.2.12</b>	<p><b>41.2.12.1</b> Informal Airports limited to the use of helicopters.</p> <p><b>41.2.12.2</b> The establishment and operation of all other Airport Activity or Aerodrome, including Informal Airports used by fixed wing aircraft.</p>	D NC
<b>41.2.13</b>	<b>Landfill</b>	NC
<b>41.2.14</b>	Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
<b>41.2.15</b>	Fish or meat processing	PR
<b>41.2.16</b>	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

**Comment [MSOffice23]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).

**Comment [MSOffice24]:** As above

**Comment [MSOffice25]:** As above

# JACKS POINT ZONE 41

## 41.3 Rules - Standards

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.3.1	<p><b>Standards for Building</b></p> <p><i>Open Space Horticulture:</i></p> <p><b>41.3.1.1</b> Within the Open Space - Horticultural (OSH) Activity Area:</p> <ol style="list-style-type: none"> <li>a. There shall be no more than 15 building platforms;</li> <li>b. Those 15 building platforms referred to in (a) above are confined to 3 or 4 clusters; and</li> <li>c. No building is to be erected prior to the horticultural activity being planted.</li> </ol> <p><i>Homesites:</i></p> <p><b>41.3.1.2</b> Within any Homesite Activity Area (HS Activity Area), buildings shall not exceed a total building footprint of 1,000m<sup>2</sup> within that Activity Area.</p> <p>For rules 41.5.1.1 and 41.5.1.2, discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Associated earthworks and landscaping.</li> <li>• Bulk and location.</li> <li>• Visibility of the building from State Highway 6 and Lake Wakatipu.</li> </ul>	<p>RD</p> <p>RD</p>
41.3.2	<p><b>Vegetation</b></p> <p><b>41.3.2.1</b> Within the Highway Landscape Protection Area (refer Structure Plan) the planting and/or growing of any tree shall not obscure views from the State Highway to the mountain peaks beyond the zone.</p> <p><b>41.3.2.2</b> Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Peninsula Hill escarpment (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).</p> <p><b>41.3.2.3</b> Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Lake Wakatipu foreshore (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).</p> <p><b>41.3.2.4</b> Within the Tablelands Landscape Protection Area (refer Structure Plan), there shall be no exotic vegetation planted</p>	<p>D</p> <p>D</p> <p>D</p> <p>D</p>

**Comment [MSOffice26]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice27]:** Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).  
Consistent with reply version of Chapter 21.

**Comment [MSOffice28]:** Non substantive for legibility only

**Comment [MSOffice29]:** Note: this has now been added to the Structure Plan, as it was on the legend in the notified version but missing from the actual plan.

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>and/or cultivated, with the exception of:</p> <p>a. grass species if local and characteristic of the area; and</p> <p>b. other vegetation if it is:</p> <ul style="list-style-type: none"> <li>• less than 0.5 metres in height; and</li> <li>• less than 20 square metres in area; and</li> <li>• within 10 metres of a building; and</li> <li>• intended for domestic consumption.</li> </ul>	
	<p><b>41.3.2.5</b> No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been re-vegetated with native vegetation. The area required to be re-vegetated for the purposes of this rule shall be the greater of 3,000m<sup>2</sup> or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated, whichever is greater. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.</p>	D
	<p><b>41.3.2.6</b> On any site within a Residential Jacks Point Activity Area at least 75% of all trees and shrubs planted shall be from the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers.</p> <p>Discretion is restricted to the following:</p> <p>a. any effects on nature conservation values.</p> <p>b. effects on landscape character and visual amenity</p>	RD
	<p><b>41.3.2.7</b> Within the OSR Activity Area, at least 50% of any site shall be planted in native vegetation, prior to building.</p> <p>Discretion is restricted to any effects on nature conservation values.</p>	RD
	<p><b>41.3.2.8</b> Anywhere within the zone, there shall be no planting and/or growing of the following tree species:</p> <ul style="list-style-type: none"> <li>• European larch (<i>Larix decidua</i>)</li> <li>• Sycamore</li> </ul> <p>Also refer to the District Wide Chapter 34 Wilding Exotic Trees.</p>	PR
	<p><b>41.3.2.9</b> Except as provided for in (41.5.2.6) above, any native revegetation required to be undertaken within this Zone shall:</p> <p>a. Include species appropriate to the ecosystems of the area being planted.</p>	RD

**Comment [MSOffice30]:** Non substantive to improve legibility only

**Comment [MSOffice31]:** Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), and Margaret Joans Williams (605).

## JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>b. Aim to 80% canopy closure for the ecosystem type being planted within five years of implementation.</p> <p>c. Ensure the ongoing eradication of all plant pests which might compete with the planting.</p> <p>d. Ensure the planting is appropriately protected from animal pests.</p> <p>e. Maintain the planting on an ongoing basis; replacing dead or diseased plants as necessary to reach compliance with (b) above.</p> <p>Discretion is restricted to any effects on nature conservation values.</p>	
41.3.3	<p><b>Structure Plan</b></p> <p><b>41.3.3.1</b> Development shall be undertaken in accordance with the Structure Plan in Part 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <p style="padding-left: 40px;">A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Roads, and their intersections with State Highway 6, shall be acceptable.</p> <p><b>41.3.3.2</b> Development shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.</p> <p><b>41.3.3.3</b> The boundaries of Open Spaces Areas are indicative and may be varied by up to 10m with the exact location and parameters established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be deemed to be contrary to this rule.</p> <p><b>41.3.3.4</b> Within any open space area created by subdivision, in accordance with <b>(Rules 41.5.3.3 and 27.8.9.1)</b>, there shall be no building.</p>	D
41.3.4	<p><b>Earthworks (excluding earthworks associated with a subdivision)</b></p> <p><b>41.3.4.1</b> Volume of Earthworks</p> <p>The maximum total volume of earthworks (m<sup>3</sup>) shall not exceed that specified in the table below.</p> <p>a. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.</p> <p>b. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks</p>	RD

Comment [MSOffice32]: RCL (632).



# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status								
	Chapter of the Operative District Plan.									
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Activity Area</th> <th style="text-align: center;">Maximum Total Volume</th> </tr> </thead> <tbody> <tr> <td>Residential Activity Areas Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area</td> <td style="text-align: center;">500 m<sup>3</sup></td> </tr> <tr> <td>Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite</td> <td style="text-align: center;">1,000 m<sup>3</sup></td> </tr> <tr> <td>Village Village Homestead Bay Open Space Golf Lodge</td> <td style="text-align: center;">No maximum</td> </tr> </tbody> </table>	Activity Area	Maximum Total Volume	Residential Activity Areas Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m <sup>3</sup>	Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m <sup>3</sup>	Village Village Homestead Bay Open Space Golf Lodge	No maximum	
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Village Village Homestead Bay Open Space Golf Lodge	No maximum									
	<p><b>41.3.4.2</b> Height of cut and fill and slope</p> <p>a. OSL, OSG, OSA, HS, E, and L Activity Areas:</p> <p>(i) No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically.</p> <p>(ii) All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.</p> <p>(iii) The maximum height of any fill shall not exceed 2 metres and, except in relation to road, tracks or accessways which shall comply with 41.5.4.2(a)(i) above, the maximum height of any cut shall not exceed 2.4 metres.</p> <p>b. All other Activity Areas:</p> <p>(i) The maximum height of any cut shall not exceed 2.4 metres.</p> <p>(ii) The maximum height of any fill shall not exceed 2 metres.</p> <p>(iii) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.</p>	<p><b>Comment [MSOffice33]:</b> Jacks Point Residents No. 2 et al (762)</p> <p><b>Comment [MSOffice34]:</b> Non substantive consequential amendment. Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).</p> <p><b>Comment [MSOffice35]:</b> Wild Grass Partnership (567), Jacks Point Landowners, Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and JPROA (765).</p>								
	<p><b>41.3.4.3</b> Fill</p> <p>a. All fill for residential building platforms and associated</p>									

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p><b>41.3.4.4</b> Environmental Protection Measures</p> <p>a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p> <p>c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p><b>41.3.4.5</b> Water bodies</p> <p>a. Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume within one consecutive 12 month period.</p> <p>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.</p> <p>c. Earthworks shall not:</p> <ul style="list-style-type: none"> <li>• cause artificial drainage of any groundwater aquifer;</li> <li>• cause temporary ponding of any surface water.</li> </ul> <p><b>41.3.4.6</b> Cultural heritage and archaeological sites</p> <p>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the earthworks</li> <li>• Environmental protection measures</li> <li>• Remedial works and revegetation</li> <li>• The effects on landscape and visual amenity values</li> <li>• The effects on land stability and flooding</li> <li>• The effects on water bodies</li> <li>• The effects on cultural and archaeological sites</li> <li>• Noise</li> </ul>	
<b>41.3.5</b>	<p><b>Setbacks from roads and internal boundaries, zone boundaries, and activity area boundaries</b></p> <p><b>41.3.5.1</b> Buildings or structures shall be set back a minimum of 20m</p>	RD

**Comment [MSOffice36]:** Jacks Point Residential No.2 Ltd et al (762). Non substantive and to improve legibility and consistency with other chapters of the PDP.

**Comment [MSOffice37]:** Non substantive and only to improve legibility in that notified Rule 41.5.5.1 relates to a setback from the zone boundary

**Comment [MSOffice38]:** Reflects recommended new rule 41.5.5.5 for improved legibility. Wild Grass Partnership (567).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area.</p> <p><b>41.3.5.2</b> Buildings for all activities, except for buildings in the Village Activity Area or located on sites smaller than 380m<sup>2</sup> and created pursuant to subdivision Rule 27.6.1, shall be subject to the following internal setback rules:</p> <p>a. Two setbacks of 4.5m, with all remaining setbacks of 2m; or</p> <p>b. One setback of 6m, one setback of 3.5m and all other setbacks of 2m;</p> <p><b>41.3.5.3</b> Except that:</p> <p>a. Any building may encroach into a setback by up to 1m for an area no greater than 6m<sup>2</sup> provided the component of the building infringing the setback has no windows or openings;</p> <p>b. 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;</p> <p>c. No setbacks are required when buildings share a common wall at the boundary.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Bulk, height and proximity of the building façade to the boundary.</li> <li>• The impact on neighbours' amenity values.</li> </ul> <p>d. Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Bulk, height.</li> <li>• Proximity on residential amenity values.</li> <li>• Loss of daylight.</li> <li>• Access to sunlight.</li> </ul> <p><b>41.3.5.4</b> In the most eastern of the three areas of Lodge Activity Area, buildings and structures shall be set back a minimum of 10 m from the activity area boundary.</p>	
<b>41.3.6</b>	<b>Access to the State Highway</b>	RD
	<p><b>41.3.6.1</b> Access from State Highway 6 shall be only at the intersections at Maori Jack Road, Woolshed Road and in a third location as approved by RM160562, as shown on the Structure Plan.</p> <p><b>41.3.6.2</b> The scale of use of the Woolshed Road access shall not increase until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and</p>	

Comment [MSOffice39]: RCL (632)

Comment [MSOffice40]: RCL (632)  
 Jacks Point Landowners, Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605).

Comment [MSOffice41]: Wild Grass Partnership (567).

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status																
	<p>available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below)</p> <p>Discretion is restricted to the safe and efficient functioning of the road network.</p> <p><b>Advice Notes:</b></p> <p>i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone.</p> <p>ii. The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency.</p>																	
41.3.7	<p><b>Fencing</b></p> <p><b>41.3.7.1</b> There shall be no fences or walls within the boundary of any lot or title within the Tablelands Landscape Protection Area (refer Structure Plan) outside of any Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as "Public Access Route" on the Structure Plan. Any such fencing shall be post and wire only.</p>	D																
41.3.8	<p><b>Density</b></p> <p><b>41.3.8.1</b> 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 per Ha</td></tr> <tr><td>R(JP) – 2A</td><td>12.11 per Ha</td></tr> <tr><td>R(JP) – 2B</td><td>1 per Ha</td></tr> <tr><td>R(JP) – 3</td><td>11.81 per Ha</td></tr> <tr><td>R(JP-SH) – 1</td><td>8.98 per Ha</td></tr> <tr><td>R(JP-SH) – 2</td><td>8.27 per Ha</td></tr> <tr><td>R(JP-SH) – 3</td><td>11.35 per Ha</td></tr> <tr><td>R(JP-SH) – 4</td><td>16.70 per Ha</td></tr> </table> <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 Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Residential amenity values.</li> <li>• Traffic, access, parking.</li> </ul>	R(JP) – 1	13 per Ha	R(JP) – 2A	12.11 per Ha	R(JP) – 2B	1 per Ha	R(JP) – 3	11.81 per Ha	R(JP-SH) – 1	8.98 per Ha	R(JP-SH) – 2	8.27 per Ha	R(JP-SH) – 3	11.35 per Ha	R(JP-SH) – 4	16.70 per Ha	RD
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Comment [MSOffice42]: Jacks Point Residential No. 2 (762)

Comment [MSOffice43]: Jacks Point Residential No. 2 (762)

Comment [MSOffice44]: Non substantive for legibility only

Comment [MSOffice45]: Jacks Point Residents No. 2 et al (856)

## JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<ul style="list-style-type: none"> <li>• Adequacy of infrastructure.</li> </ul>	
<b>41.3.9</b>	<p><b>Scale of Commercial Activity</b></p> <p><b>41.3.9.1</b> The maximum net floor area (as defined) for any single commercial activity shall be 200m<sup>2</sup>.</p> <p><b>41.3.9.2</b> The total gross area of land that can be developed for commercial activities within the V (JP) Activity Area shall not exceed 9.9 hectares.</p> <p><b>41.3.9.3</b> The total floor space of all commercial activities within the V (HB) Activity Area shall not exceed 28,000m<sup>2</sup>.</p>	D  D  D
<b>41.3.10</b>	<p><b>Building Colours</b></p> <p>Any building shall result in:</p> <p><b>41.3.10.1</b> At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35%</p> <p><b>41.3.10.2</b> Roof colours with a light reflectance value of 20% or less, and in the range of browns, greys and black</p>	D
<b>41.3.11</b>	<p><b>Residential Units</b></p> <p>In the OSH, OSR, FBA and V(HB) Activity Areas, no residential units may be constructed until 80% of the freehold land within the Open Space Foreshore Activity Area has been planted with native endemic species.</p>	NC
<b>41.3.12</b>	<p><b>Building Height</b></p> <p><b>41.3.12.1</b> In the Lodge (L) Activity Area, the maximum height of any building shall be 5m.</p> <p>Council's discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Visual dominance.</li> <li>• External Appearance.</li> <li>• The scale and extent of the portions that exceed 5m.</li> </ul> <p><b>41.3.12.2</b> The maximum height of other buildings shall be:</p> <p>a. Homestead Bay Village (V-HB) Activity Area and, comprising no more than 2 storeys, where the ground floor is proposed for commercial activity 10 m</p> <p>b. Jacks Point Village (V-JP) Activity Area and comprising no more than 3 storeys, where the ground floor is proposed for commercial activity 12 m</p>	RD          NC

**Comment [MSOffice46]:** Jacks Point landowners in that this restriction will help assist with the commercial viability of the Jacks Point Village. Also, a separate rule is required as the two villages now have a different height limit

**Comment [MSOffice47]:** Jacks Point Residential No.2 Ltd et al (762), Jacks Point Landowners.

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status																																																																												
	<p>c. Non-Residential Farm buildings 10m</p> <p>d. Residential (R) Activity Areas 8m</p> <p>e. Farm Buildings and Craft (FBA) Activity Area 8m</p> <p>f. Open Space Golf (OSG) and Open Space landscape (OSL) Activity Areas 4m</p> <p>g. Homesite Activity Area 5m</p> <p>h. All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event). 4m</p> <p><b>41.3.12.3</b> The maximum height for any building shall be measured from ground level, measured at any point, to the highest part of the building immediately above that point, except in the Homesite Activity Areas (HS Activity Areas), where the maximum height shall be 5m above the datum level specified for each Homesite, as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Homesite</th> <th>Datum (masl)</th> <th>Homesite</th> <th>Datum (masl)</th> </tr> </thead> <tbody> <tr><td>HS1</td><td>372.0</td><td>HS19</td><td>372.0</td></tr> <tr><td>HS2</td><td>381.0</td><td>HS20</td><td>377.2</td></tr> <tr><td>HS3</td><td>381.0</td><td>HS21</td><td>372.5</td></tr> <tr><td>HS4</td><td>377.0</td><td>HS22</td><td>374.0</td></tr> <tr><td>HS5</td><td>388.0</td><td>HS23</td><td>371.5</td></tr> <tr><td>HS6</td><td>382.0</td><td>HS24</td><td>372.4</td></tr> <tr><td>HS7</td><td>379.0</td><td>HS25</td><td>373.0</td></tr> <tr><td>HS8</td><td>386.5</td><td>HS26</td><td>378.1</td></tr> <tr><td>HS9</td><td>389.0</td><td>HS27</td><td>388.0</td></tr> <tr><td>HS10</td><td>395.0</td><td>HS28</td><td>392.6</td></tr> <tr><td>HS11</td><td>396.0</td><td>HS29</td><td>385.5</td></tr> <tr><td>HS12</td><td>393.0</td><td>HS30</td><td>395.9</td></tr> <tr><td>HS13</td><td>399.0</td><td>HS31</td><td>393.7</td></tr> <tr><td>HS14</td><td>403.0</td><td>HS32</td><td>384.8</td></tr> <tr><td>HS15</td><td>404.0</td><td>HS33</td><td>385.8</td></tr> <tr><td>HS16</td><td>399.5</td><td>HS34</td><td>399.0</td></tr> <tr><td>HS17</td><td>394.5</td><td>HS35</td><td>405.0</td></tr> <tr><td>HS18</td><td>392.5</td><td>HS36</td><td>400.3</td></tr> </tbody> </table>	Homesite	Datum (masl)	Homesite	Datum (masl)	HS1	372.0	HS19	372.0	HS2	381.0	HS20	377.2	HS3	381.0	HS21	372.5	HS4	377.0	HS22	374.0	HS5	388.0	HS23	371.5	HS6	382.0	HS24	372.4	HS7	379.0	HS25	373.0	HS8	386.5	HS26	378.1	HS9	389.0	HS27	388.0	HS10	395.0	HS28	392.6	HS11	396.0	HS29	385.5	HS12	393.0	HS30	395.9	HS13	399.0	HS31	393.7	HS14	403.0	HS32	384.8	HS15	404.0	HS33	385.8	HS16	399.5	HS34	399.0	HS17	394.5	HS35	405.0	HS18	392.5	HS36	400.3	NC
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<b>41.3.13</b>	<p><b>Glare</b></p> <p><b>41.3.13.1</b> All fixed lighting shall be directed away from adjacent roads and properties.</p> <p><b>41.3.13.2</b> No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p>	NC																																																																												
<b>41.3.14</b>	<p><b>Servicing</b></p> <p><b>41.3.14.1</b> All dwellings shall connect to reticulated infrastructure for the</p>																																																																													

**Comment [MSOffice48]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners.

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>provision of a water supply, wastewater disposal, power and telecommunications.</p> <p><b>41.3.14.2</b> All services, with the exception of stormwater systems, shall be reticulated underground.</p>	<p>NC</p> <p>NC</p>
<b>41.3.15</b>	<p><b>Building Coverage</b></p> <p><b>41.3.15.1</b> On any site within the R(JP), R(JP-SH) buildings shall not exceed a maximum site coverage of 45%.</p> <p><b>41.3.15.2</b> Within the Jacks Point Village Activity Area maximum building coverage, calculated across the total Activity Area shall not exceed 60%.</p> <p>Discretion is restricted to the matters listed in <u>Rule (41.5.15.1)</u> above.</p> <p><b>41.3.15.3</b> Within the Village (Homestead Bay) Activity Area, the maximum building coverage, calculated across the total Activity Area shall not exceed 60% Discretion is restricted to the matters listed in <u>Rule (41.5.15.1)</u> above.</p>	<p>RD</p> <p>RD</p> <p>RD</p>
<b>41.3.16</b>	<p><b>Outside storage and activities</b></p> <p><b>41.3.16.1</b> No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p><b>41.3.16.2</b> All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming.</p> <p>Except within the Village Activity Areas, where outside storage and activities are permitted.</p>	NC
<b>41.3.17</b>	<b>Location of Retail Activities</b>	NC
<b>41.3.18</b>	<p><b>Temporary and Permanent Storage of Vehicles</b></p> <p>Within the Tablelands <u>Landscape Protection Area</u> (refer Structure Plan), but excluding the Homesite and Lodge Activity Areas (HS) and (L) Activity Areas, there shall be no temporary or permanent siting of:</p> <ul style="list-style-type: none"> <li>• Motor vehicles, trailers, caravans, boats or similar objects;</li> <li>• Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and</li> <li>• Scaffolding or similar construction materials;</li> </ul> <p>Except for temporary filming towers erected during an event and for no more than 7 days either side of an event.</p>	NC
<b>41.3.19</b>	<p><b>Wetlands</b></p> <p>There shall be no development, landscaping, and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, <u>except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the</u></p>	NC

**Comment [SG49]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners (as this reinstates the calculation technique/ rule from the ODP).

**Comment [MSOffice50]:** Non substantive and consequent change resulting from re-numbering

**Comment [MSOffice51]:** Non substantive for legibility only

# JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	protection of these areas, or to undertake ecological enhancement, including the removal of plant pests.	

**Comment [MSOffice52]:** Jacks Point Residential No.2 et al (762)

## 41.4 Non-Notification of Applications

**Comment [SG53]:** Non substantive for legibility only

**41.4.1** Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

**41.4.2** 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 their written approval to the relevant application under Part 6 RMA has not been obtained:

**41.4.2.1** Rule 41.4.3.3 Residential Units in the FP-2 Activity Area and Visitor Accommodation within FP-1 and FP – 2 Activity Areas

**Comment [MSOffice54]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Tim and Paula Williams (601), Margaret Joans Williams (605), and the Jacks Point Landowners

**41.4.2.2** Rule 41.4.7 Commercial activities, community and visitor accommodation

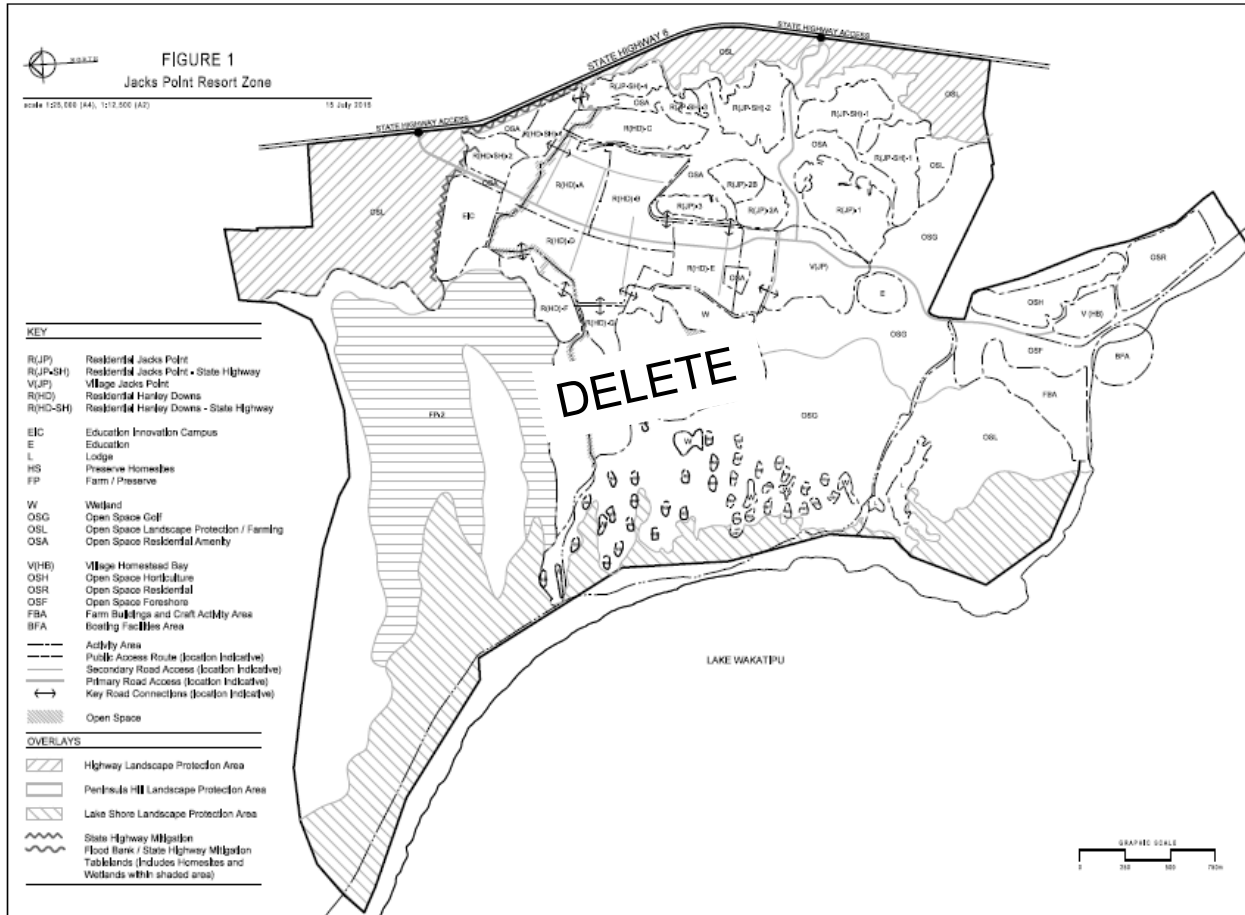
**41.4.2.3** Rule 41.4.8 Sale of Liquor

**41.4.2.4** Rule 41.5.5 Setbacks from Roads and Internal Boundaries

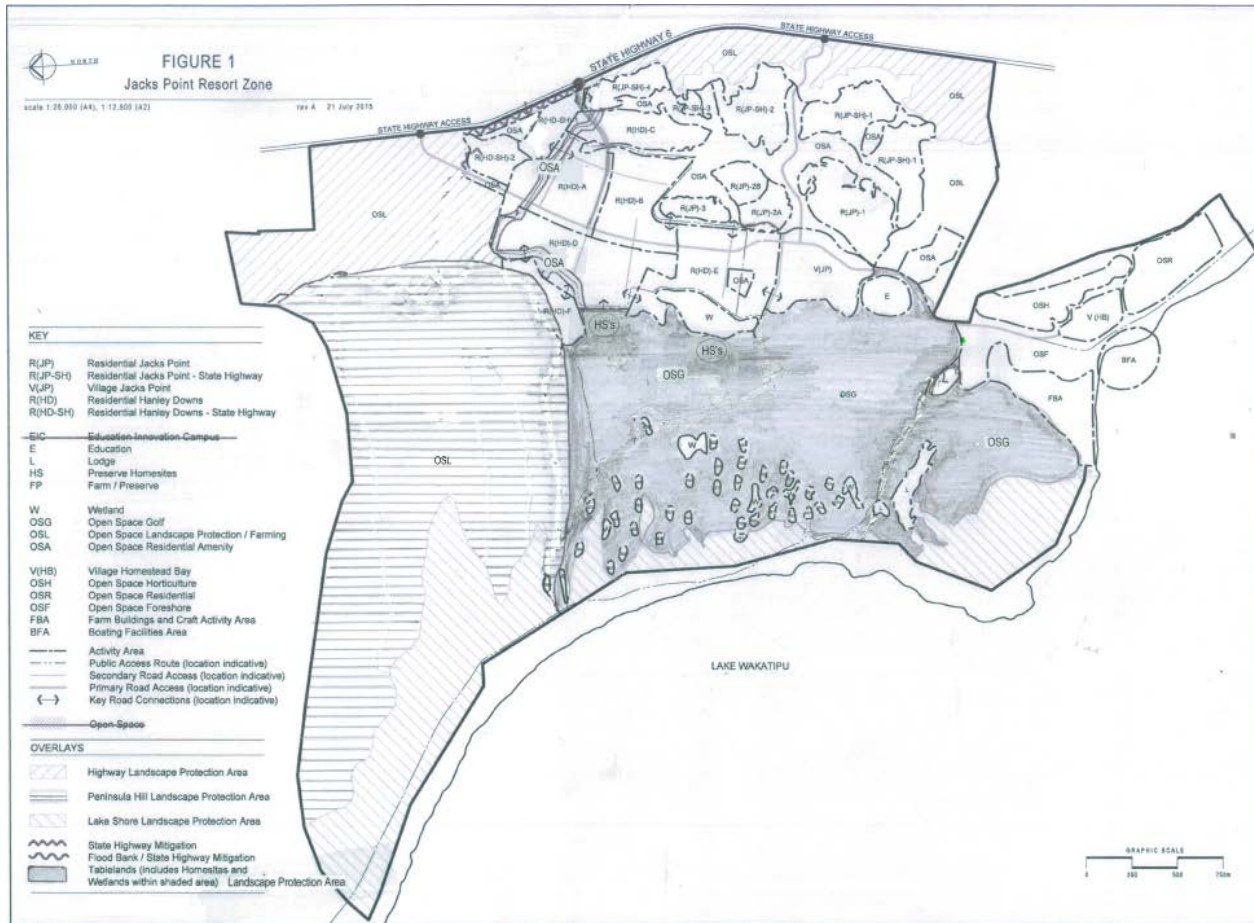
**41.4.2.5** Rule 41.5.6 Access to the State Highway



41.5 Structure Plan



# JACKS POINT ZONE 41



# JACKS POINT ZONE 41

## 41.6 Jacks Point Plant List

### TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Aristotelia serrata</i>	Wineberry	x	x		x	x		x
<i>Carpodetus serratus</i>	Putaputaweta / marbleleaf	x	x		x		x	
<i>Coprosma linariifolia</i>	Mikimiki	x	x		x	x		x
<i>Cordyline australis</i>	Ti kouka / cabbage tree	x	x		x	x		x
<i>Fuchsia excorticata</i>	Kotukutuku / tree fuchsia		x		x		x	
<i>Elaeocarpus hookerianus</i>	Pokaka		x		x		x	
<i>Griselinia littoralis</i>	Kapuka / broadleaf	x	x		x	x		x
<i>Hoheria lyallii</i>	Mountain ribbonwood	x			x			x
<i>Melicytus lanceolatus</i>	Mahoe wao	x	x		x		x	
<i>Melicytus ramiflorus</i>	Mahoe / whiteywood	x	x		x	x		x
<i>Metrosideros umbellata</i>	Southern rata	x	x		x	x		x
<i>Myrsine australis</i>	Mapou	x	x	x	x	x		x
<i>Nothofagus fusca</i>	Red beech	x	x		x	x	x	
<i>Nothofagus solandri</i> var. <i>cliffortioides</i>	Mountain beech	x	x		x	x	x	
<i>Pennantia corymbosa</i>	Kaikomako	x	x		x	x		x
<i>Pittosporum eugenoides</i>	Tarata / lemonwood	x	x		x	x		x
<i>Pittosporum tenuifolium</i>	Kohuhu	x	x		x	x		x
<i>Podocarpus hallii</i>	Hall's Totara	x	x		x	x		x
<i>Prumnopitys taxifolia</i>	Matai		x	x	x	x	x	
<i>Pseudopanax crassifolius</i>	Lancewood	x	x		x	x		x
<i>Sophora microphylla</i>	Kowhai	x	x		x	x	x	

Comment [SG55]: Heading of table repeated on each page, for readability purposes.

### SHRUBS

<i>Aristotelia fruticosa</i>	Mountain wineberry	x			x			x
<i>Carmichaelia petriei</i>	NZ broom	x	x	x	x			x
<i>Coprosma crassifolia</i>	NZ Coprosma	x	x		x	x		x
<i>Coprosma lucida</i>	Shining Karamu		x	x	x	x		x
<i>Coprosma propinqua</i>	Mingimingi	x			x	x		x
<i>Coprosma rugosa</i>	Needle-leaved Mt	x	x		x	x		x
<i>Corokia cotoneaster</i>	Korokia	x	x		x	x		x
<i>Cyathodes juniperina</i>	Mingimingi	x	x			x		x
<i>Discaria toumatou</i>	Matagouri	x			x	x		x
<i>Dracophyllum longifolium</i>	Inaka	x	x			x		x
<i>Dracophyllum uniflorum</i>	Turpentine shrub	x	x		x			x
<i>Gaultheria antipoda</i>	Tall snowberry	x		x	x	x	x	
<i>Hebe cupressoides</i>	Cypress Hebe	x				x		x
<i>Hebe odora</i>		x			x			x
<i>Hebe rakaiensis</i>		x			x	x		x
<i>Hebe salicifolia</i>	South Island Koromiko	x			x			x
<i>Hebe subalpina</i>		x			x	x		x
<i>Leptospermum scoparium</i>	Manuka	x	x		x	x		x
<i>Melicytus alpinus</i>	Porcupine shrub	x	x		x	x		x

# JACKS POINT ZONE 41

## TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Myrsine divaricata</i>	Weeping mapou	x	x		x	x		x
<i>Olearia arborescens</i>	Southern Tree Daisy	x	x		x	x		x
<i>Olearia avicenniifolia</i>	Tree Daisy	x				x		x
<i>Olearia bullata</i>		x			x	x		x
<i>Olearia cymbifolia</i>		x	x		x	x		x
<i>Olearia fragrantissima</i>		x				x	x	
<i>Olearia hectori</i>		x			x	x		x
<i>Olearia lineata</i>	Tree Daisy	x	x		x	x		x
<i>Olearia nummulariaefolia</i>	Tree Daisy	x				x		x
<i>Olearia odorata</i>	Tree Daisy	x			x		x	
<i>Ozothamnus</i> sp.	Cottonwood	x			x	x		x
<i>Pimelea aridula</i>	NZ daphne	x			x	x		x
<i>Pseudopanax colensoi</i> var. <i>ternatus</i>	Mountain three finger		x	x	x	x		x

Comment [SG55]: Heading of table repeated on each page, for readability purposes.

## GRASSES

<i>Aciphylla aurea</i>	Golden speargrass	x				x		x
<i>Aciphylla glaucescens</i>	Blue speargrass	x				x		x
<i>Astelia fragrans</i>	Bush lily		x	x	x		x	
<i>Astelia nervosa</i>	Mountain Astelia		x	x	x	x		x
<i>Carex coriacea</i>	NZ swamp sedge	x			x			x
<i>Carex maorica</i>	Carex	x	x		x			x
<i>Carex secta</i>	Purei	x	x		x			x
<i>Chionochloa conspicua</i>	Bush tussock	x	x		x	x		x
<i>Chionochloa rigida</i>	Narrow-leaved snow	x			x	x		x
<i>Chionochloa rubra</i>	Red Tussock	x			x	x		x
<i>Cortaderia richardii</i>	South Island Toeotoe	x			x	x		x
<i>Festuca novae zelandiae</i>	Hard tussock	x				x		x
<i>Juncus distegus</i>	Wiwi		x		x			x
<i>Juncus gregiflorus</i>	NZ soft rush		x		x			x
<i>Juncus sarophorus</i>	Wiwi	x	x		x			x
<i>Phormium cookianum</i>	Mountain flax	x			x	x		x
<i>Phormium tenax</i>	Harakeke/swamp flax	x			x	x		x
<i>Poa cita</i>	Silver tussock	x			x	x		x
<i>Schefflera digitata</i>	Seven finger	x	x		x	x	x	
<i>Schoenus pauciflorus</i>	Bog rush	x			x		x	
<i>Typha orientalis</i>	Raupo / bullrush	x			x			x

## SUBDIVISION and DEVELOPMENT 27

**Key:**

Recommend changes to notified chapter recommended through the chapter 41 (Jacks Point) hearing are shown in double underlined text for additions and ~~strike through text~~ for deletions, Appendix 1 to the Jacks Point section 42A report, dated 17 January 2017.

Note: Only relevant provisions from Chapter 27 have been copied into this Appendix 1, not the whole chapter.

Red underlined text for additions and ~~strike through~~ text for deletions (or relocated text), Appendix 1 to Nigel Bryce's Right of Reply, dated 26 August 2016

Green underlined text for additions and ~~strike through~~ text for deletions, dated 29 July 2016 (Additional Information)

Red text in comment bubbles for additions as at 19 July 2016, which updates referencing in response to the Panel's Minute dated 7 July 2016 concerning references to PDP provisions.

Black underlined text for additions and ~~strike through~~ text for deletions or relocated, Appendix 1 to Nigel Bryce's s42A report, dated 29 June 2016.

# SUBDIVISION and DEVELOPMENT 27

## 27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

Comment [RC56]: Relocated from Notified Section 27.7 (page 15)

27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints **identified within the Jacks Point Structure Plan located within Chapter 41.**

Comment [RC57]: Relocated from Notified Objective 27.7.14 (page 20)

### Policies

27.3.13.4 Enable the creation of lots which breach the minimum lot size standard within the Hanley Downs Residential Activity Area of the Jacks Point Zone provided appropriate design controls are established to ensure a high quality urban design outcome and that effects on adjacent sites are avoided or minimised.

Comment [MSOffice58]: RCL (632)

27.3.13.5 Ensure that, where the minimum lot size standard is breached within either the Hanley Downs or Jacks Point Residential Activity Areas of the Jacks Point Zone, legally enforceable design controls are imposed on the title in relation to bulk and location and other design matters aimed at achieving a high quality urban design outcome and avoiding or minimising effects on adjacent sites.

Comment [MSOffice59]: Jacks Point Landowners, Sally and Clive Geddes (540), Margaret Joans Williams (605), and Tim and Paula Williams (601).

## SUBDIVISION and DEVELOPMENT 27

### 27.5 Rules – Subdivision

27.5.1 All subdivision requires resource consent unless specified as a permitted activity. The abbreviations set out below are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

<u>P</u>	<u>Permitted</u>	<u>C</u>	<u>Controlled</u>
<u>RD</u>	<u>Restricted Discretionary</u>	<u>D</u>	<u>Discretionary</u>
<u>NC</u>	<u>Non Complying</u>	<u>PR</u>	<u>Prohibited</u>

**Comment [RC60]:** Consequential clarification provision related to the recommended changes to the rules and activity status.

	<b>Subdivision Activities – District Wide</b>	<b>Activity status</b>
<u>27.5.13</u> <u>27.5.15</u>	Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.56 and location specific standards in part 27.87, <u>except including the creation of lots less than 380m<sup>2</sup> minimum lot in size within the R(HD) Activity Area shall be assessed as a restricted discretionary activity under Rule 27.7.11.3.</u>	<u>D</u>

**Comment [RC61]:** Relocated from Notified Rule 27.4.2(a) (page 10)

# SUBDIVISION and DEVELOPMENT 27

## 27.6 Rules - Standards for Subdivision Activities

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

**Comment [RC62]:** Relocated from Notified Rule 27.5.1 (page 11)

Zone		Minimum Lot Area
<b>Jacks Point</b>	Residential Activity Areas	380m <sup>2</sup>
	<del>FP-1 Activity Area</del>	<del>4000m<sup>2</sup> Average 2ha</del>
	<del>FP-2 Activity Area</del>	<del>2 hectares Average 40ha</del>
	All other Activity Areas	Subdivision shall comply with the average density requirements set out in Rule 41.5.8.

**Comment [MSOffice64]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605), the Jacks Point Landowners, and JPROA (765).

**Comment [MSOffice65]:** Sally and Clive Geddes (540), Tim and Paula Williams (601), Alexander Schrantz (195), Scope Resources (342), and Margaret Joans Williams (605).

**Comment [RC63]:** Submission 762.4



# SUBDIVISION and DEVELOPMENT 27

## 27.7 Rules – Zone and Location Specific Standards

	Zone Specific Standards	Activity status
27.7.11	<b>Jacks Point</b>	
27.7.11.1	<p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <ul style="list-style-type: none"> <li>a A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;</li> <li>b Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;</li> <li>c Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;</li> <li>d <u>The boundaries of Open Spaces Activity Areas are indicative and may be varied by up to 20 m</u> <del>Open Spaces are shown indicatively,</del> with their exact location and parameters to be established through the subdivision process.</li> </ul>	D
	<del>Subdivision failing to comply with standards for the Jacks Point Zone Conservation Lots.</del>	RD
27.7.11.2	<p><del>Within the Farm Preserve 1 (FP 1) Activity Area, any subdivision shall:</del></p> <ul style="list-style-type: none"> <li>a) <del>Provide for the creation and management of open space, which may include native re-vegetation, within the “open space” areas shown on the Structure Plan, through the following:</del> <ul style="list-style-type: none"> <li>ii. <del>The creation of a separate lot that can be transferred into the ownership of the body responsible for the management of the open space land within the zone; or</del></li> <li>iii. <del>Hold within private ownership and protected by way of a covenant registered on the relevant title protecting that part of the site</del></li> </ul> </li> </ul>	

Comment [MSOffice66]: RCL (632)

Comment [MSOffice67]: Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), Margaret Joans Williams (605), the Jacks Point Landowners, and Tim and Paula Williams (601).

Comment [RC68]: Submission 762.7

## SUBDIVISION and DEVELOPMENT 27

	Zone Specific Standards	Activity status
27.7.11.3	<p style="text-align: center;"><del>from any future building development.</del></p> <p><del>Subdivision that fails to comply with the 380m<sup>2</sup> minimum lot size for subdivision within the Hanley Downs Residential Activity Areas of the Jacks Point Zone, part of the Jacks Point Zone.</del></p> <p>For Rules 27.7.11.2 and 27.7.11.3 discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>iv. Subdivision design;</li> <li>v. Traffic generation;</li> <li>vi. Access; <del>and</del></li> <li>vii. Landscape and visual effects; <del>and</del></li> <li>viii. <u>The design controls proposed to be secured through appropriate legal mechanisms, including in relation to building bulk and location, roadside fencing, window heights and locations, effects on the amenity of adjacent sites, and landscaping.</u></li> <li>ix. The visibility of future development from State Highway 6 and Lake Wakatipu.</li> <li>x. Traffic, access.</li> <li>xi. Maintenance or enhancement of nature conservation values.</li> <li>xii. Creation of open space and infrastructure.</li> </ul>	RD

**Comment [MSOffice69]:** Sally and Clive Geddes (540), Alexander Schrantz (195), Scope Resources (342), and Tim and Paula Williams (601).

**Comment [MSOffice70]:** Non substantive; amended wording for improved legibility and consistency

**Comment [MSOffice71]:** Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

**Comment [RC72]:** Relocated from Notified Rule 27.8.9.1 and 27.8.9.2 (page 27)

## SUBDIVISION and DEVELOPMENT 27

<u>27.7.4 Assessment Matters</u>	
	<ul style="list-style-type: none"> <li>• <u>The assessment criteria identified under Rule 27.7.1.</u></li> <li>• <u>The provision of public access routes, primary, secondary and key road connections.</u></li> <li>• <u>Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters:</u> <ul style="list-style-type: none"> <li>- <u>The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.</u></li> <li>- <u>Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.</u></li> <li>- <u>Road and street designs.</u></li> <li>- <u>The location and suitability of proposed open spaces.</u></li> <li>- <u>Management responses to remove wilding trees.</u></li> </ul> </li> <li>• <u>Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.</u></li> <li>• <u>Within the R(HD) Activity Area of the Jacks Point Zone, the creation of sites sized between 380m<sup>2</sup> and 550m<sup>2</sup>, without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:</u> <ul style="list-style-type: none"> <li>- <u>Building setbacks from boundaries.</u></li> <li>- <u>Location and heights of garages and other accessory buildings.</u></li> <li>- <u>Height limitations for parts of buildings, including recession plane requirements.</u></li> <li>- <u>Window locations.</u></li> <li>- <u>Building coverage.</u></li> <li>- <u>Roadside fence heights.</u></li> </ul> </li> <li>• <u>Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.</u></li> <li>• <u>Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are</u></li> </ul>

Comment [MSOffice73]: Improved legibility

## SUBDIVISION and DEVELOPMENT 27

### 27.7.4 Assessment Matters

straight (+/- 15 degrees).

- In the R(HD) Activity ~~Hanley Downs Areas~~ of the Jacks Point Zone where subdivision of land within any Residential Activity Area results in allotments less than 380m<sup>2</sup> in area:
  - Those matters listed for consideration in relation to the creation of sites sized between 380m<sup>2</sup> and 550m<sup>2</sup> sites in the R(HD) Activity Area of the Jacks Point Zone, plus:
    - The extent to which such sites are configured:
      - with good street frontage.
      - to enable sunlight to existing and future residential units.
      - To achieve an appropriate level of privacy between homes.
    - The extent to which parking, access and landscaping are configured in a manner which:
      - minimises the dominance of driveways at the street edge.
      - provides for efficient use of the land.
      - maximises pedestrian and vehicular safety.
      - addresses nuisance effects such as from vehicle lights.
    - The extent to which subdivision design satisfies:
      - public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
  - 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.
  - Refer Policies 27.3.13.1 to 27.3.13.3.

Comment [MSOffice74]: Improved legibility and consistency with the wording of other assessment matters.

Comment [MSOffice75]: Sally and Clive Geddes (540), and Tim and Paula Williams (601), Margaret Joan Williams (605), and Jacks Point Landowners.

Comment [RC76]: Relocated from Notified Rule 27.7.14.2 (page 20)

## Appendix C

# 528 Ōmaha South Precinct

## 1. Summary of recommendations

The Panel supports this precinct.

The Panel recommends the precinct provisions sought by Omaha Beach Community Incorporated in preference to the provisions proposed by the Council.

The Panel recommends no change to the zoning of the property within the precinct at 5 Matariki Street, and notes that the Council supported the retention of the Business - Neighbourhood Centre Zone for this property.

This precinct was heard in Topic 081.

## 2. Precinct description

The Ōmaha South precinct applies to land south of Broadlands Drive at Ōmaha.

The purpose of the precinct is to manage residential and small-scale commercial development to ensure it is sustainable and complements the coastal character and landscape values of the area. It caps the total number of dwellings because of wastewater infrastructure and on-site stormwater soakage constraints and manages stormwater discharge effects from development to minimise adverse effects on the Ōmaha groundwater aquifer and the adjacent kahikatea forest/wetland. In particular, minimum site size and density controls apply across the five sub-precincts and development in close proximity to the fore dune area of Ōmaha Beach is limited.

The precinct is intended to carry forward the Special Purpose - Special 16 (Ōmaha South) zone in the Auckland Council District Plan - Operative Rodney Section 2011 into the proposed Auckland Unitary Plan Unitary Plan.

The underlying zoning of land within this precinct is Business - Neighbourhood Centre Zone, Residential - Single House Zone and Residential - Mixed Housing Suburban Zone.

## 3. Key issues

The Council and Omaha Beach Community Incorporated agreed that a precinct was required for Ōmaha South in order to carry forward the Special 16 Ōmaha South Zone provisions.

The key issue in contention was the extent to which the precinct provisions reflected the operative zone provisions and would be appropriate in managing the continued development of Ōmaha South.

Ms Kurzeja for the submitter at paragraph 9(d) of her planning evidence in chief stated that:

As discussed in the OBCI submission, substantial development has already taken place under the current Operative Plan provisions. Approximately 80% of all residential sections have had building construction completed. All the remaining residential sections are privately owned, and any development of them is controlled through covenants and the rules of the OBRS which state that development is to be

undertaken in accordance with Variation 76 - now the Operative Plan Special 16 zone. I consider that these are special circumstances where it is better that the consistency of these existing plan provisions is carried over, as they are inextricably linked to the land covenants and the design approval process.

Mr Brabant in his legal submissions, together with Mr Allan in his evidence, supported Ms Kurzeja's conclusions and the need to replicate in their entirety the special zone provisions, except where these are no longer relevant.

The Panel accepts the legal submissions and evidence on behalf of the submitter and recommends Ms Kurzeja's precinct provisions to those of those recommended on behalf of the Council.

With respect to the remaining outstanding issue Ms Kurzeja did not support the retention of the archaeological sites on the precinct plan. In her paragraphs 21(n) and (o) she stated that:

(n) Before development of Omaha South began, all archaeological sites were investigated by Clough and Associates, and iwi (Ngāti Manuhiri) were consulted. Those sites that the parties agreed were to be retained and protected from development were surveyed, and the extent of the cultural sites to be protected were incorporated into subdivision plans and recorded on the titles of the property or properties affected. In some cases, these midden sites are located within public reserves or road reserves vested in the Council. Since then, the covenant provisions registered against the titles affected by these survey midden sites, and the design control guidelines applying to all new development have ensured the protection of these midden sites to the satisfaction of the local iwi.

(o) The Omaha South Outline Plan for the Special 16 zone identifies known archaeological sites. These identified sites were identified on relevant parcel titles as part of the subdivision process. They are also recorded in the CHI and NZAA records and are in turn protected by the Historic Places Act. I acknowledge that Omaha South has a number of sites of value to mana whenua. This matter was addressed by the OBCI in submissions and evidence on Topic 037. Confirmed sites or places of value to iwi identified in Appendix 4.2 of the Operative Unitary Plan will be identified by a historic heritage overlay. I consider that the Historic Heritage overlay is the appropriate place for these sites of value to be mapped and therefore there is no need to replicate the location of these sites on the Omaha South

Precinct Plan. In addition, the original recorded archaeological sites considered to be of value to local iwi are protected through other means, such as by land covenants, as mentioned above.

The Panel recommends that Ms Kurzeja's approach be adopted given the extent of earthworks, subdivision and development that has occurred at Ōmaha South, together with the relevant operative planning provisions that have assessed, recorded, and where appropriate registered covenants against titles in order to protect middens and other places of significance to Ngāti Manuhiri.

A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity. None of these changes alter the intent of the precinct provisions as requested by Omaha Beach Community Incorporated.

References to the adjoining golf course have also been deleted because although the golf course had been included with the operative Special 16 zoning, the golf course land is not included within the Ōmaha South Precinct. The Panel notes that the precinct plan identifies the six separate sub-precincts and that the five residential Sub-precincts A to E are separated by reserve development areas that lie outside the boundaries of these sub-precincts. The reserve development areas are an integral component of the established Ōmaha South development and reference to these areas is contained within the precinct provisions to provide context to the environmental outcomes anticipated within each of the sub-precincts.

In addition to the precinct provisions themselves the Panel also considered a rezoning request from Sandee Investments Limited which sought that the land at 5 Matariki Street, Ōmaha within the Ōmaha South Precinct, be rezoned from Business - Neighbourhood Centre Zone to Residential - Single House Zone. This rezoning request was opposed by the Omaha Surf Club Incorporated, Omaha Beach Community Incorporated and the Council.

The primary issue in contention by Sandee Investments Limited was that the provisions of the proposed Business - Neighbourhood Centre zoning would be inappropriate for the site and its land uses given the existing and proposed surrounding land uses, the locality of the site; and lack of commercial demand in this area.

The Omaha Surf Club was concerned that if the land was to be rezoned residential then there would be potentially be conflicts between a residential owner wanting quiet enjoyment of their home and the ongoing activities of the surf club. This conflict would not exist with a commercial development of the site as envisioned by the existing zoning.

Mr Bradley in his planning evidence in relation to the proposed rezoning on behalf of the Council stated in his Attachment C that:

Do not support rezoning from NC to SH zone. The NC zone has been identified as the commercial hub for Omaha. The area provides for limited small scale commercial activities to meet local and tourist needs. The zone is to service the settlement now and into the future. It would be premature to remove the zoning at this point in time as Omaha is still a growing settlement. It is noted that many sites in Omaha have yet to be built on and that as transport links improve (e.g. RoNS) Omaha will become a more attractive place to live and commute from. This will increase the population (both seasonal and permanent) that rely on this commercial area for local needs. It is also noted that residential use is available in the zone. The retention of the NC zone also avoids a split zoning on the property. It is noted that the precinct evidence of Deborah Yan supports retaining the SH zone.

The Panel recommends the zoning of Business - Neighbourhood Centre Zone be retained for the property at 5 Matariki Street, Ōmaha, for the reasons set out in the evidence on behalf of the Council and those submitters opposing the proposed rezoning.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Ōmaha South Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of



the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

- [081b Ak Cncl - Rodney - Precincts \(Omaha South\) - \(D Yan\) - Planning \(26 January 2016\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Omaha South\) - \(D Yan\) - Planning - REBUTTAL \(24 February 2016\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Omaha South\) - \(D Yan\) - Planning - TABLED AT HEARING \(21 March 2016\)](#)
- [081b Ak Cncl – Rodney – Rezoning - Rural – \(R Bradley, K Edmonds\) - Planning \(28 January 2016\)](#)
- [081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\) \(3 March 2016\) \(page 44\)](#)
- [081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 40\)](#)
- [081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 87\)](#)
- [081 Omaha Beach Community Inc \(K Kurzeja\) - Planning \(14 February 2016\)](#)
- [081 Omaha Beach Community Inc \(K Kurzeja\) - Summary Statement \(21 March 2016\)](#)
- [081 Omaha Beach Community Inc \(C Allan\) \(14 February 2016\)](#)
- [081 Omaha Beach Community Incorporated \(C Allan\) – TABLED \(17 March 2016\)](#)
- [081 Omaha Beach Community Inc \(R Brabant\) – Legal Submission \(21 March 2016\)](#)
- [081 Omaha Surf Club Inc \(C Campbell\) - REBUTTAL \(24 February 2016\)](#)
- [081 Sandee Investments Limited \(H Firth\) - Planning \(15 February 2016\)](#)
- [081 Sandee Investments Limited \(C Leuschke & D Winstone\) - Summary Statement \(21 March 2016\)](#)
- [081 Sandee Investments Limited \(C Leuschke & D Winstone\) - Supplementary Evidence \(21 March 2016\)](#)