

Appendix A – Relief sought


Appeal Point #	Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 25 Earthworks			
#1	<p>25.3.2.9: <i>Earthworks shall be calculated as follows:</i></p> <ul style="list-style-type: none"> a. <i>The maximum volume and area of earthworks shall be calculated per site, within any consecutive 12 month period.</i> b. <i>Volume shall mean the sum of all earth that is moved within a site and includes the total of any combined cut and fill. Refer to Interpretive Diagrams 25.1 to 25.3 located within Schedule 25.9</i> 	<p>Support in part</p> <p>As earthworks are a dynamic process during the construction phase, it would assist in the understanding of the rule if volume was calculated at the completion of such work.</p>	<p>Amend provision 25.3.2.9, as follows:</p> <p>25.3.2.9: <i>Earthworks shall be calculated as follows:</i></p> <ul style="list-style-type: none"> a. <i>The maximum volume and area of earthworks shall be calculated per site, within any consecutive 12 month period.</i> b. <i>Volume shall mean the sum of all earth that is moved within a site and includes the total of any combined cut and fill, <u>measured at the completion of that work</u>. Refer to Interpretive Diagrams 25.1 to 25.3 located within Schedule 25.9.</i>
#2	<p>25.5.17 <i>Earthworks for farm tracks and access ways in the following Zones and Activity Areas shall comply with standards 25.5.18.1 to 25.5.18.3:</i></p> <ul style="list-style-type: none"> • <i>Rural Zone</i> • <i>Wakatipu Basin Rural Amenity Zone</i> • <i>Gibbston Character Zone</i> • <i>Jacks Point Zone Activity Areas:</i> <ul style="list-style-type: none"> - <i>Open Space Landscape</i> - <i>Open Space Golf</i> - <i>Open Space Amenity</i> - <i>Homesite</i> - <i>Education</i> - <i>Lodge</i> 	<p>Support in part</p> <p>This exemption for roads from this rule is supported. However, the rule should be amended to clarify that private roads are also exempt.</p>	<p>Amend Rule 25.5.17 as follows:</p> <p>25.5.17 <i>Earthworks for farm tracks and access ways in the following Zones and Activity Areas shall comply with standards 25.5.18.1 to 25.5.18.3:</i></p> <ul style="list-style-type: none"> • <i>Rural Zone</i> • <i>Wakatipu Basin Rural Amenity Zone</i> • <i>Gibbston Character Zone</i> • <i>Jacks Point Zone Activity Areas:</i> <ul style="list-style-type: none"> - <i>Open Space Landscape</i> - <i>Open Space Golf</i> - <i>Open Space Amenity</i> - <i>Homesite</i> - <i>Education</i> - <i>Lodge</i>

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	<p>25.5.17.1 No farm track or access way shall have an upslope cut or batter greater than 1 metre in height.</p> <p>25.5.17.2 All cuts and batters shall not be greater than 65 degrees.</p> <p>25.5.17.3 The maximum height of any fill shall not exceed 2 metres.</p> <p><i>This standard shall not apply to roads.</i></p> <p>[non-compliance is restricted discretionary]</p>		<p>25.5.17.1 No farm track or access way shall have an upslope cut or batter greater than 1 metre in height.</p> <p>25.5.17.2 All cuts and batters shall not be greater than 65 degrees.</p> <p>25.5.17.3 The maximum height of any fill shall not exceed 2 metres.</p> <p><i>This standard shall not apply to roads and private roads.</i></p> <p>[non-compliance is restricted discretionary]</p>
#3	<p>25.5.19 Earthworks within 10m of the bed of any water body, or any drain or water race that flows to a lake or river, shall not exceed 5m³ in total volume, within any consecutive 12-month period. This rule shall not apply to:</p> <p>25.5.19.1 any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, including Lake Tewa within the Jacks Point Zone; or</p> <p>25.5.19.2 Maintenance and repairing of existing hazard protection structures in and around a water body.</p> <p>[non-compliance status: restricted discretionary]</p>	<p>Oppose</p> <p>The introduction of a more restrictive standard for earthworks near waterbodies is opposed, and amendments are sought which reflect the established position under the ODP.</p> <p>Where earthworks activities near waterbodies comply with the standards for erosion and sediment control, those activities should be considered to be appropriately managed, without the requirement for an additional and restrictive proximity rule.</p>	<p>Amend rule 25.5.19 as follows:</p> <p>25.5.19 Earthworks within 10m <u>7m</u> of the bed of any water body, or any drain or water race that flows to a lake or river, shall not exceed 5m³ <u>20m³</u> in total volume, within any consecutive 12-month period. This rule shall not apply to:</p> <p>25.5.19.1 any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, including Lake Tewa within the Jacks Point Zone; or</p> <p>25.5.19.2 Maintenance and repairing of existing hazard protection structures in and around a water body.</p> <p>[non-compliance status: restricted discretionary]</p>
#4	<p>Rule 25.5.21</p> <p>No more than 300m³ of Cleanfill shall be transported by road to or from an area subject to Earthworks.</p> <p>[non-compliance: restricted discretionary]</p>	<p>Oppose</p> <p>Rule 25.5.21 is opposed because its intention and the extent of its application are unclear, and its relationship to Rule 25.4.3 is unclear.</p> <p>It is accepted that cleanfill is a subset</p>	<p>Delete Rule 25.5.21</p>

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		of earthworks, however this rule concerns the regulation of transportation of cleanfill, which does not fit appropriate within the Earthworks Chapter.	
Chapter 2 Definitions			
#5	<p>Earthworks:</p> <p><i>Means the disturbance of land by the removal or deposition on or change to the profile of land. Earthworks includes excavation, filling, cuts, root raking and blading, firebreaks, batters and the formation of roads, access, driveways, tracks and the deposition and removal of cleanfill.</i></p>	<p>Oppose</p> <p>The relationship between Rules 25.4.3 and 25.5.21 and the definition of earthworks is not supported.</p> <p>The inclusion of 'cleanfill' in the definition of 'earthworks' is opposed, should Rule 25.5.21 be retained, on the basis that 'cleanfill' is separately defined and supplemented by a separate discretionary activity rule regardless of volume.</p>	<p>1. In the first instance, delete Rule 25.5.21, in which case the decision version definition of 'earthworks' is accepted.</p> <p>2. Should Rule 25.5.21 be retained, remove reference to 'cleanfill' in the earthworks definition:</p> <p><i>Means the disturbance of land by the removal or deposition on or change to the profile of land. Earthworks includes excavation, filling, cuts, root raking and blading, firebreaks, batters and the formation of roads, access, driveways, <u>and tracks</u> and the deposition and removal of cleanfill.</i></p>
Chapter 27 Subdivision			
#6	<p>Rule 27.4.2.1</p> <p><i>Refer to Chapter 25 Earthworks, Rule 25.3.2.5. Earthworks associated with subdivisions are subject to the earthworks standards in Chapter 25 (except the maximum total volume, cut and fill standards). Applications for subdivision involving earthworks shall be assessed against the matters of discretion and assessment matters in Chapter 25.</i></p>	<p>Support in part</p> <p>The intention of this rule is supported, however an amendment is proposed to simply the rule and clarify that it is the earthworks activity itself that shall be assessed against the matters of discretion and assessment matters in Chapter 25, rather than the application in its entirety.</p>	<p>Amend Rule 27.4.2.1:</p> <p><i>Refer to Chapter 25 Earthworks, Rule 25.3.2.5. Earthworks associated with subdivisions are subject to the earthworks standards in Chapter 25 (except the maximum total volume, cut and fill standards), <u>and</u> Applications for subdivision involving earthworks shall be assessed against the matters of discretion and assessment matters in Chapter 25.</i></p>
Chapter 29 Transport			

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#7	<p>Rule 29.4.11</p> <p>High Traffic Generating Activities</p> <p><i>Any new land-use or subdivision activity, including changes in use that exceeds the traffic generation standards or thresholds set out in Table 29.5.</i></p> <p><i>Discretion is restricted to effects on the transport network.</i></p> <p>[Activity status: Restricted Discretionary]</p>	<p>Oppose</p> <p>Jacks Point opposes the application of the HTGA Rule to the Jacks Point Zone, which anticipates and provides for areas of new subdivision or development for the reasons expressed in this appeal above. Jacks Point seeks to exempt any new subdivision or development occurring within the Jacks Point Zone as a permitted or controlled activity.</p>	<p>Amend Rule 29.4.11 to exempt any new subdivision or development that is provided for as a permitted or controlled activity within the Jacks Point Zone; or in the manner detailed below.</p> <p>High Traffic Generating Activities</p> <p><i>Any new land-use or subdivision activity, including changes in use that exceeds the traffic generation standards or thresholds set out in Table 29.5, except where the associated trip generation and transport effects of the proposed land use or subdivision are the same, similar, or less, in character, intensity and scale, to those identified in an existing resource consent or district plan provisions that were approved on the basis of an Integrated Transport Assessment. <u>This rule shall not apply to any land use or subdivision activity that is otherwise provided for as a permitted or controlled activity in the Jacks Point Zone via Chapters 41 and 27 of this Plan.</u></i></p> <p><i>Discretion is restricted to effects on the transport network.</i></p> <p>[Activity status: Restricted Discretionary]</p>
Visitor Accommodation Variation			
#8	<p>Definition of Visitor Accommodation'</p> <p><i>Means the use of land or buildings to provide accommodation for paying guests where the length of stay for any guest is less than 90 nights; and</i></p> <p><i>i. Includes camping grounds, motor parks, hotels, motels, backpackers' accommodation, bunkhouses, tourist houses,</i></p>	<p>Oppose</p> <p>Within zones where new rules relating to Residential Visitor Accommodation (RVA) and Homestays apply, those provisions are not supported by a framework of related objectives or policies.</p> <p>This situation has come about because the current definition of</p>	<p>Amend the definition of Visitor Accommodation so that where an RVA or Homestay activity complies with all applicable standards in the relevant chapter, the activity is included within the definition of Visitor Accommodation, rather than Residential Visitor Accommodation or Homestay, so that the relevant Visitor Accommodation objectives and policies apply.</p>

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	<p><i>lodges, timeshares, and managed apartments and</i></p> <p><i>ii. Includes services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.</i></p> <p><i>iii. Includes onsite staff accommodation.</i></p> <p><i>iv. Excludes Residential Visitor Accommodation and Homestays.</i></p>	<p>Visitor Accommodation now excludes RVA and Homestays. Any objectives or policies relating to Visitor Accommodation therefore do not apply to any rules relating to RVA or Homestays.</p> <p>Within areas such as the Jacks Point Zone, where the new regime relating to RVA and Homestays is supported, this situation creates a policy lacuna and therefore undermines the effectiveness of the regime.</p> <p>For these reasons it is considered that the decision is inappropriate and fails to address the valid concerns raised in submissions and evidence.</p>	
#9	<p>Rule 41.4.2.1</p> <p><i>Any commercial, community, residential, residential visitor accommodation, homestay, or visitor accommodation activity within the Jacks Point (V) or Homestead Bay (HB) Village Activity Areas, including the addition, alteration or construction of associated buildings, provided the application is in accordance with a Comprehensive Development Plan incorporated in the District Plan, which applies to the whole of the relevant Village Activity Area and is</i></p>	<p>Oppose</p> <p>The inclusion of RVA and homestay activities in Rule 41.4.2.1 is supported, insofar as this acts to identify RVA and homestay activities as activities which can occur within the Jacks Point Village area on a controlled activity status basis.</p> <p>However, Rule 41.4.2.1 more generally is opposed. Rule 41.4.2.1 has been appealed in Stage 1 of the</p>	<ol style="list-style-type: none"> 1. Retain RVA and Homestay activities beyond 90 nights per 12 month period as controlled activities within the Jacks Point Village, 2. At the same time, amend Rule 41.4.2.1 in accordance with the relief sought in the DPL stage 1 appeal.

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	<p><i>sufficiently detailed to enable the matters of control listed below to be fully considered.</i></p> <p>[Activity status: Controlled]</p>	<p>District Plan Review as the requirement for a Comprehensive Development Plan is not supported.</p>	
Chapter 38 Open Space and Recreation Zone / Planning Map 41			
#10	<p>Planning Map 41 Informal Recreation Zone over Lot 13 DP 364700 (identified in red).</p> 	<p>Oppose</p> <p>The Informal Recreation Zone relates to reserve land owned by the Council and is designed to both facilitate development appropriate to its purpose, which might include both the Council or other community groups or organisations.</p> <p>However, this land is within the Structure Plan for the Jacks Point Zone and is located within the Open Space Amenity Activity Area. The consequence of zoning this land Informal Recreation is that the land is removed from the ambit of the Structure Plan.</p> <p>With Chapter 38 as currently drafted, there is no requirement for activities occurring on this land to consider the objectives and policies of the Jacks</p>	<ol style="list-style-type: none"> 1. Delete the Informal Recreation Zone over Lot 13 DP 364700 and rezone the land to Jacks Point Zone. 2. Alternatively, should the zoning be retained, insert new policies in the Open Space and Recreation chapter which require a consideration of the relevant objectives and policies of the Jacks Point Zone - in particular the role of the framework of open space in establishing an integrated community.

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		<p>Point Zone, being the zone that surrounds the land. This is because the objective and policies of the Information Recreation Zone do not relate to or cross-reference the Jacks Point Zone.</p> <p>Jacks Point is opposed to the Informal Recreation zoning as it fails to achieve the objective of the Jacks Point Zone, of having an integrated community within a framework of open space and recreation amenities. It also compromises in part the purpose of the Structure Plan to establish the spatial layout of development within the Zone.</p>	
Chapter 6 Landscapes			
#11	<p>Part 6.2 Values - Last paragraph: Delete.</p> <p>Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has</p>	<p>Oppose in part</p> <p>The relationship between the provisions of Chapter 6 and Chapter 3 and the lower order chapters has been the subject of discussion at the hearings for Topic 1 (Strategic Directions) and Topic 2 (Landscapes), as part of Stage 1 of the District Plan Review. There is discrepancy between the two higher order chapters - for example, the</p>	<p>Clarify how the policies established to manage the various landscapes of the District relate to the other chapters of the PDP, including to the Strategic Directions (Chapter 3), and the lower order chapters relating to the zones where landscapes are a relevant issue.</p> <p>Further consequential amendments may be required to the policies of Chapter 6 as decided in Stage 1, dependent on whether or not they are considered to apply to the Open Space and Recreation Zone.</p>

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	<p>varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.</p> <p>Insert in Section 6.3</p> <p><u>Policy 6.3.3.A</u> <u>Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zones, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply.</u></p> <p><u>6.3.3B Classify the Open Space and Recreation zoned land located outside the Urban Growth Boundary as Outstanding Natural Landscape, Outstanding Natural Feature or Rural Character Landscape, and provide a separate regulatory framework for the Open Space and Recreation Zones within which the remaining policies of this chapter do not apply.</u></p> <p>Part 6.4 Rules - Delete:</p> <p>6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.</p> <p>6.4.1.3 The landscape categories assessment matters do not apply to the</p>	<p>Chapter 3 Strategic Objectives relating to rural landscapes do not reflect the same carve outs that are provided for in Chapter 6 (in relation to the application of the Landscape Classifications and associated policies to various rural and non-rural zones).</p> <p>Removal of the description of the Landscape Classifications contained within 6.2, the removal of rules 6.4.1.2 and 6.4.1.3, and the addition of Policies 6.3.3A and 6.3.3B is opposed, to the extent that these amendments create the uncertainty that the Landscape Classifications and associated provisions may apply to development located outside of the Rural Zone or to subzones of the Rural Zone.</p> <p>Collectively the explanatory text and Rules 6.4.1.2 and 6.4.1.3 are important as they clarify the relationship between the Landscape Classifications and the various rural zones and non-rural zones, and specify the carves out that apply.</p> <p>However, the purpose of 6.2 is to set out the 'values' of the rural landscape resource and this is possibly not the right place to address the interpretation and application of the policies of Chapter 6.</p>	

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	<p>following within the Rural Zones:</p> <ul style="list-style-type: none"> a. Ski Area Activities within the Ski Area Sub Zones. b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps. c. The Gibbston Character Zone. d. The Rural Lifestyle Zone. e. The Rural Residential Zone. 		