

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan
Report 3
Report and Recommendations of Independent Commissioners Regarding
Chapter 3, Chapter 4 and Chapter 6

Commissioners

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PART A - INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFM 2011	National Policy Statement for Freshwater Management 2011
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NZIA	NZIA and Architecture+Women Southern
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
UCES	Upper Clutha Environmental Society

UGB Urban Growth Boundary

Stage 2 Variations The variations, including variations to the existing text of the PDP, notified by the Council on 23 November 2017

1.2. Topics Considered

1. The subject matter of this hearing was Chapters 3, 4 and 6 of the PDP (Hearing Stream 1B). These chapters, along with Chapter 5, provide the overall strategic direction to the District Plan. As discussed below Chapter 5 was heard by a differently constituted Hearing Panel (see Report 2).
2. Chapter 3 seeks to set out the high-level strategic direction for the PDP as a whole. As notified, it consisted an initial statement of purpose (Section 3.1) and then seven subsections (3.2.1-3.2.7 inclusive). Each subsection was developed under a separate goal with objectives related to the goal and in most but not all cases, policies specific to achievement of each objective.
3. Chapter 4 seeks to set out objectives and policies for managing the spatial location and layout of urban development within the District. It seeks to flesh out provisions in Chapter 3 related to these matters and effectively sits between the high-level strategic direction on urban development in Chapter 3 and the much more detailed provisions in Part Three of the PDP¹, and in Part Five², to the extent that its provisions relate to development in urban areas.
4. Chapter 6 relates to landscapes and fulfils a similar role to Chapter 4, fleshing out strategic matters related to landscape in Chapter 3, but still at a level of detail sitting above the Zone provisions in Part Four of the PDP³.

1.3. Hearing Arrangements

5. Hearing of Stream 1B overlapped with the hearing of Stream 1A (Chapters 1 and Chapters 5, and Section 3.2.7). Stream 1A was heard by a differently constituted panel of commissioners and is the subject of a separate report. That report discusses the submissions specifically related to the wording of Section 3.2.7. To the extent that more general submissions relating to aspects of Chapter 3 as a whole affect Section 3.2.7, they are addressed in this report.
6. Stream 1B matters were heard on 7-9 March 2016 inclusive in Queenstown, on 10 March 2016 in Wanaka and then on 15-17 March, 21-23 March and 31 March 2016 in Queenstown.
7. The parties heard from on Stream 1B matters were:

Council

- James Winchester and Sarah Scott (Counsel)
- Clinton Bird

¹ Part Three comprises Chapters 7-17 inclusive, dealing with the Low, Medium and High Density Resident Zones, the Arrowtown Residential Historic Management Zone, the Large Lot Residential Zone, Queenstown, Wanaka and Arrowtown Town Centre Zones, the Local Shopping Centre Zone, the Business and Airport Mixed Use Zones.

² Part Five comprises Chapters 26-37 inclusive dealing with Historic Heritage, Subdivision and Development, Natural Hazards, Energy and Unities, Protected Trees, Indigenous Vegetation and Temporary Activities and Relocated Buildings, Noise and Designations.

³ Part Four comprises Chapters 21-23 inclusive, dealing with the Rural Zone, the Rural Residential and Rural Lifestyle Zones, and the Gibbston Character Zone.

- Fraser Colegrave
- Dr Marion Read
- Dr Phil McDermott
- Craig Barr
- Matthew Paetz

UCES⁴

- Julian Haworth

New Zealand Transport Agency⁵

- Tony MacColl

John Walker⁶

Simon Jackson and Lorna Gillespie⁷

- Simon Jackson

Orchard Road Holdings Limited⁸ and Willowridge Developments Limited⁹

- Allan Dippie

Just One Life Limited¹⁰ and Longview Environmental Trust¹¹

- Johannes (John) May
- Scott Edgar

Allenby Farms Limited¹², Crosshill Farms Limited¹³ and Mount Cardrona Station Limited¹⁴

- Warwick Goldsmith and Rosie Hill (Counsel)
- Duncan White (for Allenby Farms Limited and Crosshill Farms Limited)
- Jeff Brown (for Mt Cardrona Station Limited)

Ayrburn Farm Estate Limited¹⁵, Bridesdale Farm Developments Limited¹⁶ and Shotover Park Limited¹⁷

- Warwick Goldsmith and Rosie Hill (Counsel)
- Jeff Brown

Trojan Helmet Limited¹⁸

- Rebecca Wolt (Counsel)

4 Submission 145/Further Submission 1034
 5 Submission 719/Further Submission 1092
 6 Submission 292
 7 Further Submission 1017
 8 Submission 91/Further Submission 1013
 9 Submission 249/Further Submission 1012
 10 Further Submission 1320
 11 Submission 659/Further Submission 1282
 12 Submission 502/Further Submission 1254
 13 Submission 531
 14 Submission 407/Further Submission 1153
 15 Submission 430
 16 Submission 655/Further Submission 1261
 17 Submission 808/Further Submission 1164
 18 Submissions 443/Further Submission 1157

- Jeff Brown

Hogan Gully Farming Limited¹⁹

- Jeff Brown

QAC²⁰

- Rebecca Wolt (Counsel)
- Mark Edghill
- John Kyle
- Kirsty O’Sullivan

GH & S Hensman, B Robertson, Scope Resources Limited, N Van Wichen and Trojan Holdings Limited²¹

- Alyson Hutton

Bobs Cove Development Limited²², Glentui Heights Limited²³, Scott Crawford²⁴

- Ben Farrell

Queenstown Lakes Community Housing Trust²⁵

- David Cole

Millbrook Country Club Limited²⁶

- Ian Gordon (Counsel)
- Dan Wells (also for Bridesdale Farm Developments Limited²⁷ and Winton Partners Fund Management No 2 Limited²⁸)

New Zealand Fire Service Commission²⁹

- Emma Manohar (Counsel)
- Donald McIntosh
- Ainsley McLeod

Transpower New Zealand Limited³⁰

- Natasha Garvan (Counsel)
- Andrew Renton
- Aileen Crow

Royal Forest and Bird Protection Society³¹

- Susan Maturin

19 Submission 456/Further Submission 1154
 20 Submission 433/Further Submission 1340
 21 Submission 361
 22 Submission 712
 23 Submission 694
 24 Submission 842
 25 Submission 88
 26 Submission 696
 27 Submission 655/Further Submission 1261
 28 Submission 653
 29 Submission 438
 30 Submission 805/Further Submission 1301
 31 Submission 706/Further Submission 1040

Keri & Roland Lemaire-Sicre³²

- Keri Lemaire-Sicre

Aurora Energy Limited³³

- Joanne Dowd

Slopehill Properties Ltd³⁴, D&M Columb³⁵

- Denis Columb
- Locky Columb
- Ben Farrell

Sanderson Group Limited³⁶

- Fraser Sanderson
- Donna Sanderson
- Ben Farrell

G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain³⁷, Wakatipu Equities Limited³⁸, Cook Adam Trustees Limited, C & M Burgess³⁹, Slopehill Properties Limited⁴⁰, FS Mee Developments Limited⁴¹

- Warwick Goldsmith (Counsel)
- Patrick (Paddy) Baxter
- Ben Farrell

Darby Planning LP⁴², Soho Ski Area Limited⁴³, Treble Cone Investments Limited⁴⁴

- Maree Baker-Galloway and Rosie Hill (Counsel)
- Chris Ferguson

Hansen Family Partnership⁴⁵

- Rosie Hill (Counsel)
- Chris Ferguson

Contact Energy Limited⁴⁶

- Daniel Druce

32 Further Submission 1068
33 Submission 635
34 Submission 854
35 Submission 624
36 Submission 404
37 Submission 535
38 Submission 515
39 Submission 669
40 Submission 854
41 Submission 525
42 Submission 608/Further Submission 1013
43 Submission 610/1329
44 Submission 613/Further Submission 1330
45 Submission 751/Further Submission 1270
46 Submission 480/Further Submission 1085

Dame Elizabeth and Murray Hanan⁴⁷

- Dame Elizabeth Hanan
- Jack Hanan

Pounamu Body Corporate Committee⁴⁸

- Josh Leckie (Counsel)

Clark Fortune McDonald & Associates Limited⁴⁹

- Nick Geddes

Skyline Enterprises Limited⁵⁰, Totally Tourism Limited⁵¹, Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green⁵², AK and RB Robins & Robins Farm Limited⁵³, Slopehill Joint Venture⁵⁴

- Vanessa Robb (Counsel)
- Tim Williams

NZIA⁵⁵

- Gillian Macleod
- Peter Richie
- Juliette Pope
- Erin Taylor

Phillip Bunn⁵⁶, Steven Bunn⁵⁷, Carol Bunn⁵⁸, Debbie MacColl⁵⁹

- Phillip Bunn
- Steven Bunn
- Debbie MacColl

X-Ray Trust Limited⁶⁰

- Louise Taylor

Federated Farmers of New Zealand⁶¹

- David Cooper

New Zealand Tungsten Mining Limited⁶²

- Rosie Hill (Counsel)

47 Further Submission 1004
48 Submission 208
49 Submission 414
50 Submission 574
51 Submission 571
52 Submission 626
53 Submission 594
54 Submission 537
55 Submission 238
56 Submission 265
57 Submission 294
58 Submission 423
59 Submission 285
60 Submission 356/Further Submission 1349
61 Submission 600/Further Submission 1132
62 Submission 519/Further Submission 1287

- Carey Vivian (also Cabo Limited)⁶³

TJ and EJ Cassells, Bulling Family, Bennett Family and M Lynch⁶⁴, Friends of Wakatipu Gardens and Reserves⁶⁵

- Rosie Hill (Counsel)

Peninsula Bay Joint Venture⁶⁶

- Monique Thomas (Counsel)
- Louise Taylor

Kawarau Jet Services Holdings Limited⁶⁷

- James Gardiner-Hopkins (Counsel)

Skydive Queenstown Limited⁶⁸

- Tim Sinclair (Counsel)
- Clark Scott
- Anthony Ritter

Matukituki Trust⁶⁹

- James Gardner-Hopkins (Counsel)
- Louise Taylor

Queenstown Rafting Limited⁷⁰

- Tim Sinclair (counsel)
- Robin Boyd

Hawea Community Association⁷¹

- Paul Cunningham
- Dennis Hughes

Real Journeys Limited⁷² and Te Anau Developments Limited⁷³

- Fiona Black
- Erik Barnes
- Ben Farrell

Ngai Tahu Tourism Limited⁷⁴

- John Edmonds

63 Further Submission 1356
 64 Submission 503
 65 Submission 506
 66 Submission 378/Further Submission 1336
 67 Submission 307/Further Submission 1152
 68 Submission 122/Further Submission 1345
 69 Submission 355
 70 Further Submission 1333
 71 Submission 771
 72 Submission 621/Further Submission 1341
 73 Submission 607/Further Submission 1342
 74 Submission 716

Remarkables Park Limited⁷⁵, Queenstown Park Limited⁷⁶ and Shotover Park Limited⁷⁷ and Queenstown Wharves GP Limited⁷⁸

- Rebecca Davidson (Counsel)

Straterra⁷⁹

- Bernie Napp

8. In addition, the following parties tabled evidence but did not appear at the hearing:
 - Ministry of Education⁸⁰
 - Powernet Limited⁸¹
 - Vodafone New Zealand Limited⁸², Chorus New Zealand Limited⁸³, Spark New Zealand Trading Limited⁸⁴
 - New Zealand Defence Force⁸⁵
 - Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited⁸⁶
 - Garry Strange⁸⁷
 - Director-General of Conservation⁸⁸
9. Evidence was also pre-circulated by Ulrich Glasner for Council and Tim Walsh for Pounamu Body Corporate Committee⁸⁹, and Greg Turner for Hogan's Gully Farming Ltd⁹⁰.
10. Messrs Glasner and Walsh were excused from attending the hearing due to illness and domestic commitments respectively. In lieu of attendance, we provided the respective parties with written questions for the witness concerned. Mr Glasner's answers were provided in a Memorandum of Counsel for the Council dated 16 March 2016. Mr Walsh's answers were provided under cover of a Memorandum of Counsel for Pounamu Body Corporate Committee dated 23 March 2016. Mr Turner's evidence was taken as read and we excused him from attending the hearing.
11. During the course of the hearing, we requested experts with an interest in the PDP provisions related to Queenstown Airport to conference. A Conference Statement dated 22 March was filed signed by Matthew Paetz (for Council), John Kyle and Kirsty O'Sullivan (for QAC) and Chris Ferguson (for Hansen Family Partnership) under cover of a Memorandum of Counsel for QAC of the same date.
12. Also during the course of the hearing, we requested further information:

⁷⁵ Submission 807/Further Submission 1117
⁷⁶ Submission 806/Further Submission 1097
⁷⁷ Submission 808/Further Submission 1164
⁷⁸ Submission 766/Further Submission 1115
⁷⁹ Submission 598/Further Submission 1015
⁸⁰ Submission 524
⁸¹ Submission 251/Further Submission 1159
⁸² Submission 179/Further Submission 1208
⁸³ Submission 781/Further Submission 1106
⁸⁴ Submission 191/Further Submission 1253
⁸⁵ Submission 1365/Further Submission 1211
⁸⁶ Submission 768
⁸⁷ Submission 168
⁸⁸ Submission 373/Further Submission 1080
⁸⁹ Submission 208/Further Submission 1148
⁹⁰ Submission 456/Further Submission 1154

- a. Relating to the development capacity enabled by the Proposed District Plan (PDP) including details of how the population projections, infrastructure planning and provision, land availability, constraint mapping, commercial industrial growth projections, and the planning period applied were used in the formulation of the UGB policies and consequently the UGB lines on the planning maps;
 - b. For each area contained within an UGB, a table showing the estimated existing dwelling and population numbers, and the total potential dwelling and population (at the same household size as at present) enabled by the PDP; and
 - c. Again, for the Rural Zone and Rural Lifestyle Zoned land within the Wakatipu Basin and Upper Clutha area, a table showing the number of consented building platforms and/or consented but as yet unimplemented resource consents for dwellings.
13. The information was supplied under cover of a Memorandum of Counsel for the Council dated 18 March 2016. We likewise invited input from any interested party on this information.
14. Lastly, during the course of the hearing, we requested Council staff giving evidence to consider as to how the Objectives in Chapters 3, 4 and 6 might be reframed in order that they specified an environmental outcome (refer further discussion of this point below). Suggested amended objectives were filed under cover of a Memorandum of Counsel for the Council dated 18 March 2016.
15. We invited any parties with comments on the Conferencing Statement, or the additional information or amended objectives provided by Council at our request to provide same. A number of parties who had already been heard did so. In addition, the following parties who had not previously been heard or submitted evidence provided written comments:
- a. Board of Airline Representatives of New Zealand Incorporated⁹¹
 - b. Peter and Margaret Arnott⁹².

1.4. Procedural Steps and Issues

16. The hearing of Stream 1B proceeded on the basis of the general pre-hearing directions made in the memoranda summarised in the Introductory Report. We would particularly wish to express our appreciation that almost all of the Counsel appearing for submitters supplied us with a synopsis of their legal submissions in advance (as requested), thereby enabling us to better understand the arguments being advanced.
17. In addition to the Directions noted above, arising out of the filing of the Expert Conference Statement in relation to Queenstown Airport matters and the provision of additional information and amended objectives by the Council, specific directions relevant to Stream 1B were made by the Chair waiving the late filing of a supplementary brief of evidence by Jeff Brown⁹³ dated 10 March 2016 (on 11 March 2016) and declining an application made by Queenstown Park Limited on 17 March 2016 seeking leave to file a further late brief of evidence (on 18 March 2016).
18. Lastly, a number of submitters were given the opportunity to supply further comment and/or evidence on matters raised during the course of their appearance before us. In this way, we received additional material as follows:

⁹¹ Submission 271/Further Submission 1077

⁹² Submission 399/Further Submission 1167

⁹³ On behalf of Trojan Helmet Limited, Mount Cardrona Station Limited, Hogan Gully Farming Limited, Ayrburn Farm Estate Limited, Remarkables Park Limited, Queenstown Park Limited, Shotover Park Limited and Queenstown Wharves Limited

- a. A Memorandum of Counsel for New Zealand Fire Service Commission dated 24 March 2016 regarding amended relief;
- b. A letter from Ms Dowd dated 22 March 2016 providing further feedback on those parts of Aurora Energy's Line Network that might be considered regionally significant infrastructure;
- c. Additional legal submissions dated 21 March 2016 on behalf of Transpower New Zealand Limited in relation to the implementation of the NPSET 2008;
- d. Combined and updated section 32AA assessments by Louise Taylor on behalf of X-Ray Trust Limited, the Matukituki Trust Limited, Peninsula Bay Joint Venture dated 23 March 2016;
- e. A Memorandum of Counsel for Matukituki Trust dated 30 March 2016 providing feedback on the obligation to give effect to the Regional Policy Statement and on the meaning of the term "*most appropriate*" in the context of section 32(1)(b).
- f. Comment from Mr Farrell on behalf of Real Journeys Limited and Te Anau Developments Limited in relation to Policy 6.3.1.8.

1.5. Collective Scope

19. During the course of the Stream 1B hearing, counsel for Allenby Farms Limited, Crosshill Farm Limited and Mount Cardrona Station Limited (Mr Goldsmith) submitted to us, on the authority of the High Court's decision in *Simons Hill Station Limited v Royal Forest and Bird Protection Society*⁹⁴, that it was open to his clients to make submissions on the basis that the relief available to them was determined by the full range of submissions, not just their own submissions and further submissions (described colloquially as 'collective scope').
20. Subsequently, counsel for a number of other parties presented their case to us on the same basis. It is fair to say that we found this a novel proposition. Mr Goldsmith for his part, accepted that he could provide us with no specific authority applying the *Simons Hill* decision to a District Plan process at first instance, but argued that it was a logical consequence of the High Court's decision in that case.
21. We requested that counsel for the Council address this point in their written reply. Their advice to us is that there is no legal constraint on submitters presenting evidence or commenting on matters raised by other submitters, although the weight that could be attributed to such evidence or submissions would be questionable if it did not relate to the relief specified in their submissions or further submissions.
22. They went on to submit that the decision in *Simons Hill* did not have the effect of altering the position as to who has standing to appeal the Council's decision. We need not, however, canvass that aspect of the matter since standing to appeal the decisions made by Council on our recommendations will be a matter for the Environment Court to determine, if necessary.
23. Accepting the submissions for counsel for the Council, we have therefore determined that we should not ignore submissions and/or evidence on matters not raised by the submissions and further submissions of those parties, provided we can identify a submission that would have supported that position.
24. One unsatisfactory aspect of this approach to the hearing is that the counsel and/or witnesses for submitters relying on this approach to the hearing generally did not identify which

⁹⁴ [2014] NZHC 1362

submissions they were in fact relying on to provide jurisdiction for the position they were taking.

25. We do not regard ourselves as being under any obligation to search through the relief sought by submitters to confirm (or otherwise) whether the submissions and evidence extending beyond the matters canvassed in the submissions and further submissions of the parties concerned in fact fell within some other submission(s) if that were not readily apparent to us.
26. Having said that, we accept the submission made by counsel for Darby Planning LP (Ms Baker-Galloway) that given that some submissions seek deletion of the strategic chapters of the Plan and in one case at least, reversion to a modified version of the ODP, the permissible scope for amendment of the PDP is broad.

1.6. Section 32

27. When counsel for the Council opened the hearing, we queried the absence in the case for Council of any quantitative analysis of the costs and benefits of provisions to implement the specified objectives as required (where practicable) by section 32(2) of the Act. Counsel's response was that quantitative analysis of costs and benefits of the strategic policies and other provisions in Chapters 3, 4 and 6 would be of limited or no benefit to us. Counsel did, however, accept the related point that the section 32 analysis underpinning Chapters 3, 4 and 6 did not explicitly evaluate the effects of the recommended provisions on employment.
28. We are inclined to agree that economic evidence attempting to assess the cost and benefits of high-level policy provisions such as those in Chapters 3, 4 and 6 would be of limited benefit. It was not as if any submitter put before us a quantitative analysis of costs and benefits of the provisions they sought either. Without exception, the evidence of submitters relied on a qualitative analysis of costs and benefits. It was, however, somewhat surprising that the impracticability of undertaking a quantitative analysis of costs and benefits was not canvassed in the section 32 reports.
29. Similarly, the absence of any commentary from the Council on a matter we are obliged by law to consider (employment) was not helpful. Fortunately perhaps, the effect of provisions in the PDP on employment is something that can be qualitatively assessed as an aspect of economic activity.
30. Counsel for Trojan Helmet Limited (Ms Wolt) made the related submission that section 32 exists primarily to ensure that any restrictions on the complete freedom to develop land are justified rather than the converse. She argued, relying on *Hodge v Christchurch City Council*⁹⁵, that it is the noes in the PDP which must be justified not the ayes. It followed in counsel's submission that while the submitters had not provided any quantitative costing of costs and benefits, they were under no obligation to do so.
31. We think that limited weight can be placed on the *Hodge* decision for two reasons:
 - a. The Court itself said that while it was attracted to the reasoning Ms Wolt put to us, it declined to determine the matter finally;
 - b. The version of section 32 in force at the time of the *Hodge* decision required consideration of the extent to which plan provisions were 'necessary' for achieving the purpose of the Act. Since 2003, the focus has been on the appropriateness of provisions under scrutiny, which suggests a broader inquiry than had previously been the case.

32. More recently again, the requirements of section 32AA have been added⁹⁶.
33. The requirement that the decision-maker (in this case the Council after considering our recommendations) undertake its own section 32 analysis of any changes it proposes means, we believe, that in practice if not in law⁹⁷, if a submitter wishes to convince us of the merits of the changes to the PDP which it seeks, it must put to us sufficient analysis that we can undertake that required evaluation because, without it, we would necessarily have to recommend that the Council reject the submission.
34. We record that where in our substantive consideration of the provisions of Chapters 3, 4 and 6, we have recommended changes to the notified version of those chapters, that recommendation has, in each case, reflected its evaluation of the suggested change in terms of section 32(1) - (4). The level of detail in which suggested changes have been considered similarly reflects, in each case, our assessment of the scale and significance of the recommended change.
35. We regard this approach⁹⁸ as more efficient than the alternative of preparing a separate evaluation report, given the number of provisions in respect of which changes have been recommended.
36. Lastly, in relation to section 32 issues, we sought assistance from a number of the counsel appearing before us as to how we should interpret and apply the guidance of the High Court that when assessing whether a particular method is the '*most appropriate*' way to achieve the objectives (for the purposes of s32(1)(b)), '*appropriate*' is to be read as synonymous with '*suitable*', and it is not necessary to overlay that consideration with a requirement that it be superior⁹⁹. Ms Wolt¹⁰⁰ accepted that it was not entirely clear, but submitted that the best interpretation is that we do not have to be satisfied that the option chosen is the most suitable available option. By contrast, Mr Gardner-Hopkins¹⁰¹, initially suggested that we needed to be satisfied that the chosen option was not the worst. In a subsequent appearance¹⁰², then expanded on in his helpful memorandum of 30 March 2016, Mr Gardiner-Hopkins argued that some meaning must be given to the word '*most*' and that, accordingly, the enquiry might be as to whether the chosen option was the '*most suitable*' or better option¹⁰³.
37. We have approached the matter on the basis, as suggested by Mr Gardner-Hopkins, that we are looking for the optimum planning solution based on the submissions and evidence we have heard, but that this is not a precise science in which the appropriateness or suitability of particular formulations can be quantified so as to arrive at the best one by a process akin to mathematical calculation. Demonstrably, as Mr Gardner-Hopkins also suggested, we should not recommend options that we consider will result in poorer outcomes (in the context of

⁹⁶ By virtue of section 70 of the Resource Management Amendment Act 2013.

⁹⁷ Counsel for the Council submitted in their reply submissions dated 7 April 2016, that the submitters were under a legal obligation to provide probative evidence or analysis that the alternative wording sought by them was more appropriate than that recommended by Council staff.

⁹⁸ Provided for in s32AA(1)(d)(ii) of the Act

⁹⁹ *Rational Transport Society Inc. v New Zealand Transport Agency* [2012] NZRMA 298 at [45]

¹⁰⁰ Counsel for Trojan Helmet Ltd (Submissions 443, 453)

¹⁰¹ Counsel for Kawarau Jet (Submission 307)

¹⁰² On this occasion appearing for Matukituki Trust (Submission 755)

¹⁰³ Although not noted in Mr Gardiner-Hopkins' memorandum, this submission appears consistent with the High Court's decision in *Shotover Park Ltd and Remarkables Park Ltd v QLDC* [2014] NZHC 1712 at [57] which described the obligation as being to select the option the decision-maker believes is the best.

methods to achieve objectives, methods less likely to achieve the objective), but beyond that, we have a degree of discretion to choose between options which are different but equally meritorious when viewed in a broad manner.

1.7. Further Submissions

38. A related issue which has emerged from our review of submissions and further submissions is the status of further submissions purporting to seek materially different relief from the submission they support or oppose.
39. Clause 8(2) of the Act states that a further submission must be limited to a matter in support of or in opposition to the primary submission. Established case law indicates that a further submission cannot extend the scope of the submission that it supports or opposes; it can only seek allowance or disallowance of the original submission in whole or in part¹⁰⁴.
40. What this means in practice is that if an original submission seeks to amend the notified plan provisions, a further submission on that submission is limited to seeking an outcome somewhere in the spectrum between the relief sought in the original submission and the status quo represented by the notified plan provisions. It cannot use the original submission as a springboard to seek materially different relief outside the bounds created by the original submission¹⁰⁵.
41. The position is the same where an original submission supports the notified plan provisions except that in that case, by definition, there is no difference between the outcome sought by the original submission and the notified plan provisions. A further submission cannot therefore seek relief other than retention of the notified plan provisions under the guise of opposing the original submission.

1.8. Statutory Considerations

42. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.
43. While the legal obligations discussed in Report 1 are on the Council in its capacity as the decision maker on the final form of the PDP, we have put ourselves in the Council's shoes, as if we were subject to those same obligations, when determining what recommendations we should make to Council. Our report is framed on that basis, both for convenience, and to avoid confusion regarding the various roles the Council has in the process.
44. The Section 42A Reports provided us with a general overview of the matters of relevance to our deliberations, including summaries of the provisions of the RPS and the Proposed RPS.
45. The breadth of the matter covered in the Strategic Chapters we need to consider means that there is little value in our summarising the points of each document of relevance – such a summary would, for instance, necessarily have to encompass virtually all of the RPS and the Proposed RPS, as well as parts of each National Policy Statement.

¹⁰⁴ *Telecom NZ Ltd v Waikato DC A074/97*

¹⁰⁵ As was held to be the case in the *Telecom* case

46. We have therefore adopted the approach of referring to the relevant documents in the context of our consideration of particular provisions of the Strategic Chapters.

1.9. Background to Strategic Chapters

47. The evidence for the Council¹⁰⁶ was that the District faces a range of challenges that are almost unique among territorial authorities in New Zealand because of the combination of:

- a. Strong population growth over the last ten years, which is projected to continue over the planning period, and well beyond, underpinned by a visitor industry that dominates the District's economy and is growing rapidly.¹⁰⁷
- b. An extremely high quality environment with limited areas of relatively flat land available for residential land development if the quality of that environment is to be maintained.
- c. Rapidly increasing housing costs linked to a supply shortage (relative to demand) with accompanying affordability issues, that are predicted only to worsen.

48. The evidence for the Council¹⁰⁸ also drew attention to the desirability of the PDP providing greater direction as to how these key strategic issues will be addressed than the ODP does currently, and in a more readable, accessible manner than the ODP.

49. Mr Paetz put this in terms of a progression many councils are making from an initial focus (in first generation District Plans) on managing adverse effects on the environment to providing more direction as to desired outcomes that more explicitly considers economic and social wellbeing.

50. Mr Paetz explained that consistent with that approach, Chapter 3 sought to bring together the key issues the Council had identified and provide a policy framework addressing them. Mr Paetz suggested in his Section 42A Report¹⁰⁹ that including an overarching strategic chapter was good planning and resource management practice. Counsel for QAC provided to us a copy of the decision of the Independent Hearings Panel on the Christchurch Replacement District Plan regarding the section of that Plan dealing with strategic directions and strategic outcomes, which rather tends to illustrate Mr Paetz's point. Mr Paetz also advised that in addition to being utilised in the assessment of resource consent applications, the strategic direction provided in Chapter 3 would also provide a strategic context for consideration of any proposed plan changes and designations.

51. Mr Paetz described Chapter 3 as sitting at the top of a hierarchical structure over both the other chapters in Part 2, and over the PDP as a whole.

52. We accept Mr Paetz's broad characterisation of the trend of district planning in New Zealand over the life of the Act. The gradual movement from a focus on the management of effects to providing greater planning direction might be illustrated in relation to a district with some similarities (at least as regards demand for residential development in rural areas) to Queenstown Lakes District, by the Environment Court's decision in *Mapara Valley Preservation Society Inc v Taupo District Council*¹¹⁰.

¹⁰⁶ See in particular the Section 42A Report on Chapters 3 and 4 at pages 8-12

¹⁰⁷ The evidence of Mr Colegrave provided greater detail on population trends.

¹⁰⁸ Section 42A Report at pages 13-14

¹⁰⁹ Paragraph 8.1

¹¹⁰ A083/2007 at paragraphs 41-43

53. A number of parties who attended the hearing suggested to us that the PDP had moved too far away from managing effects and toward prescribing outcomes¹¹¹. It was argued that this was inconsistent with the effects-based and/or enabling focus of the purpose of the Act. Counsel for Skyline Enterprises Ltd and others submitted to us both that section 5 is by its nature enabling¹¹² and that the premise of the Act is “*inherently and intentionally ‘effects-based’*”¹¹³. Counsel did not cite any authority for these propositions¹¹⁴ and agreed, when we discussed it with her, that the Act is only enabling if one includes consideration of enabling protection¹¹⁵.
54. Accordingly, we do not accept that the approach of the PDP has inherent legal flaws on this kind of generalised basis. As we think counsel accepted, it is much more a question as to what specific provisions best satisfy the section 32 tests. In addition, of course, we also have to ensure the PDP satisfies the other statutory requirements discussed in greater detail in Report 1.
55. Submissions that the PDP was insufficiently effects-based or enabling were frequently combined with an argument that the PDP was flawed because it failed to use the language of the Act. Mr Jeff Brown, for instance, suggested to us that the use of the language of the Act is well understood by professionals and the public, and that the introduction of new terms would create uncertainty and potentially litigation. His view was that RMA language should be the default language of any district plan and that non-RMA language should be used sparingly¹¹⁶. In Mr Brown’s view the wording of provisions needs to be very carefully chosen to offer as much precision as possible.
56. While we will discuss alternative wording formulations in the context of the objectives and policies of Chapters, 3, 4 and 6, the most common wording amendments suggested were to substitute “*avoid, remedy or mitigate*” for “*avoid*”, “*recognise and provide for*” in the place of “*protect*” and to add the word “*inappropriate*” before “*subdivision, use and development*”.
57. The trouble with the wording of the Act in these instances is that while well-known and the subject of extensive judicial commentary, it does not necessarily provide any direction when used in this context.
58. Thus, while a policy using the word “*avoid*” is quite clear as to its meaning¹¹⁷, adding “*remedy or mitigate*” to produce the combined phrase “*avoid, remedy or mitigate*” provides no

¹¹¹ That was the thrust for instance of the submissions made by Ms Baker-Galloway, counsel for Darby Planning LP

¹¹² Paragraph 3.4 of counsel’s submissions

¹¹³ Paragraph 4.9 of counsel’s submissions

¹¹⁴ When we asked counsel for Darby Planning LP, who advanced a similar position, whether she could provide us with authority to support a submission that effects-based planning is the only premise of the Act, she could not do so.

¹¹⁵ The proposition we put to counsel is almost an oxymoron, but it acknowledges the emphasis given by the majority of the Supreme Court in *Environmental Defence Society v The New Zealand King Salmon Company Ltd* [2014] NZSC 38 to the fact that the first part of section 5(2) talks of managing the “use, development and protection” of natural and physical resources. We note that without intending any disrespect to William Young J, we refer hereafter to the judgment of the majority delivered by Arnold J for brevity as the judgment of the Court

¹¹⁶ Evidence of Jeff Brown at 3.2-3.5.

¹¹⁷ Refer *Environmental Defence Society v The New Zealand King Salmon Company Ltd* [2014] NZSC 38 at 96, while noting the acknowledgement by the Court that the term might vary in meaning according to context.

direction in the absence of clarification as to how much mitigation might be acceptable and/or what outcome needs to result. Similarly, while section 6 of the Act instructs decision makers to recognise and provide for a range of specified matters, if the PDP utilises the same language, it provides little or no guidance unless it says how a particular matter will be recognised and provided for, and with what end result. Lastly, inserting the word “*inappropriate*”, so that a policy provides for protection (for example of an outstanding natural landscape) “*from inappropriate subdivision, use and development*”, provides little or no clarification as to what is intended given the finding of the Supreme Court in the *King Salmon* litigation¹¹⁸ that:

“... where the term “inappropriate” is used in the context of protecting areas from inappropriate subdivision, use or development, the natural meaning is that “inappropriateness” should be assessed by reference to what is sought to be protected”.

59. Proving that if you wait long enough, history will indeed repeat itself, we note that the Environment Court faced similar arguments in the appeals on what ultimately became the ODP. Thus, in *Wakatipu Environmental Society Inc v Queenstown Lakes District Council*¹¹⁹, the Court recorded a submission on behalf of the appellant society that:

“Under the guise of ‘enabling’, policy is being reduced to general platitudes and repetition of phrases from the Act. Our view is that the Plan is to articulate the RMA in this district, not just repeat the Act...”

60. The Court commented as follows¹²⁰:

“We have some sympathy for that submission. There is an observable trend from the notified plan to the revised plan, increasing in suggested solutions to us, which is to adopt a standard policy formula, parroting section 5(2)(c) of the RMA: to “avoid, remedy or mitigate the adverse effects of ...”. We consider that policies with more detail may be of more assistance in both determining the relative methods of implementation, and in applying the policies when the district plan is operating.”

61. And then in a subsequent decision¹²¹, the Court was considering a draft policy worded as follows:

“To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin.”

62. The Court commented¹²²:

“So Policy 3(a) needs to be changed. Is it then adequate to add “inappropriate”? We consider it is not: that addition merely repeats the language of the Act and gives it little or no guidance to anyone. We re-emphasise¹²³ that merely parroting the statutory formula is of little use.”

¹¹⁸ [2014] NZSC 38 at [101]. Ms Hill, counsel for Ayrburn Farm Estate Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mr Cardrona Station Ltd argued that *King Salmon* could be distinguished. We address her argument in the context of our discussion of Objective 3.2.5.1 below.

¹¹⁹ C180/99 ([2000] NZRMA 59). We refer to this decision throughout this report as C180/99 since that was generally the convention adopted by counsel before us.

¹²⁰ At paragraph 150

¹²¹ C74/2000

¹²² At paragraph 10

¹²³ Cross referencing paragraph 150 from its earlier decision, quoted above

63. The Court also provided us with some guidance regarding the submission made to us in a number of different contexts, with multiple variations, that the determination of particular matters should be left to a resource consent context. Thus, in its 1999 decision, the Court said:

“The latters’ argument that the capacity of the landscape to absorb development should be assessed on a case by case basis does not impress us. While there are dangers in managing subjective matters rather than letting the market determine how the landscape should be developed and altered, those factors are outweighed when the appropriate management is the status quo and there is a statutory sanction for the protection of the outstanding natural landscape from inappropriate subdivision and development. Management under a Plan may avoid inconsistent decisions, and cumulative deterioration of the sort that has already occurred.”¹²⁴

64. Fortified by the guidance of the Environment Court in relation to the ODP, we take the view that use of the language of the Act is not a panacea, and alternative wording should be used where the wording of the Act gives little or no guidance to decision makers as to how the PDP should be implemented. We take the same view where the superior documents provide only very general guidance. The RPS in particular tends to reproduce the phraseology of the Act and thus raises the same issues in terms of the need for greater direction.
65. Having said that, we acknowledge a point made in the Hearing Panel’s Report 1. Clear terms (like avoid) need to be used with care to ensure they do not have unintended effects; in that particular case, to preclude worthwhile and appropriate activities.

¹²⁴ See 180/99 at [137]. See also C74/2000 at [10]

PART B - CHAPTER 3

2. OVERVIEW/HIGHER LEVEL PROVISIONS

66. As notified, Chapter 3 contained a Statement of Purpose (in 3.1) and then seven subsections (3.2.1-3.2.7 inclusive) each with its own “goal”, one or more objectives under the specified goal and in most but not all cases, one or more policies to achieve the stated objective. The specified goals are as follows:

- “3.2.1 Goal Develop a prosperous, resilient and equitable economy;*
- 3.2.2 Goal The strategic and integrated management of urban growth;*
- 3.2.3 Goal A quality built environment taking into account the character of individual communities;*
- 3.2.4 Goal The protection of our natural environment and ecosystems;*
- 3.2.5 Goal Our distinctive landscapes are protected from inappropriate development;*
- 3.2.6 Goal Enable a safe and healthy community that is strong, diverse and inclusive for all people.*
- 3.2.7 Goal Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngāi Tahu.”*

67. The initial question which requires determination is whether there should be a strategic chapter at all. UCES¹²⁵ sought that some aspects be shifted out of Chapter 3 into other chapters, but otherwise that the entire chapter should be deleted. We note in passing that in terms of collective scope, this submission would put virtually all relief between Chapter 3 as notified and having no strategic chapter, within scope.

68. As Mr Haworth explained it to us, the UCES submission forms part of a more general position on the part of the Society that, with some specified changes, the format and context of the ODP should remain unchanged. At the core of his argument, Mr Haworth contended that the ODP was generally working well and should simply be rolled over, certainly as regards the management of the rural issues of interest to UCES. He appeared to put this in part on the basis of the character of the PDP process as a review of the ODP and in part on his own, and UCES’s, experience of the ODP in operation. He referred specifically, however, to a Council’s monitoring report¹²⁶, quoting it to the effect that “*Council should consider carefully before setting about any comprehensive overhaul*”.

69. We note that the quotations Mr Haworth extracted from the 2009 monitoring report were somewhat selective. He omitted mention of what was described¹²⁷ as the major qualification, a concern that the Plan may not be effective in avoiding cumulative adverse effects on the landscape and in preventing urban style expansion in some areas.

70. Nor do we think there is anything in this being a ‘review’ of the ODP. The discretion conferred by section 79 is wide, and in this case the Council has considered whether changes are required and determined that a different approach, employing a greater degree of strategic direction, is needed. That said, where submissions (such as those of UCES) seek reversion to the

¹²⁵ Submission 145: Opposed in FS1162, FS1254, FS1313

¹²⁶ District Plan Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone, QLDC April 2009

¹²⁷ At page 3

structure and/or content of the ODP, section 32 requires that we consider that as a possible alternative to be recommended.

71. In that regard, Mr Haworth also drew attention to the increased complexity of management of rural subdivision and development which, under the PDP as notified, is split between Chapter 3, Chapter 6 and Chapter 21. He also criticised the content of those provisions which provided, as he saw it, a weakening of the ability to protect landscape values in the rural environment, but we regard that as a different point, which needs to be addressed in relation to the provisions of the respective chapters.
72. While there is much that can be learned from the decisions that gave rise to the ODP, equally, it needs to be recognised that those decisions are now more than 15 years old. The evidence of the Council on the extent of growth in the District over that period is clear. While the Environment Court remarked on those trends in its 1999 decision, particularly in the Wakatipu Basin, the District is now significantly further along the continuum towards an optimal level of development (some might say it is already sub-optimal in some locations). Mr Haworth himself contended that there is more pressure on the ONLs of the District.
73. Case law has also advanced. The Supreme Court's decision in *King Salmon* in particular, provides us with guidance that was not available to the Environment Court in 1999.
74. Lastly, the jurisdiction of the Environment Court was constrained by the document that was the result of Council decisions, and the scope of the appeals before it. We do not know if the Environment Court would have entertained a strategic directions chapter in 1999. It does not appear to have had that option available to it, and the Court's decisions do not record any party as having sought that outcome.
75. We also accept Mr Paetz's evidence that there is a need for a greater level of strategic direction than the ODP provided to address the challenging issues faced by the District¹²⁸.
76. In summary, we do not recommend complete deletion of Chapter 3 as sought by UCES. While, as will be seen from the discussion following, there are a number of aspects of Chapter 3 that might be pared back, we think there is value in stating strategic objectives and policies that might be fleshed out by the balance of the PDP. Put in section 32 terms, we believe that this is the most appropriate way to achieve the purpose of the Act in this District at this time. Similarly, while we do not recommend complete substitution of the ODP for the existing strategic chapters, there are aspects of the ODP that can usefully be incorporated into the strategic chapters (including Chapter 3). We discuss which aspects in the body of our report.
77. If Chapter 3 is to be retained, as we would recommend, the next question is whether its structuring is appropriate. Queenstown Park Limited¹²⁹ sought that the strategic direction section be revised "*so that the objectives and policies are effects based, and provide a forward focussed, strategic management approach*". Those two elements might arguably be seen as mutually contradictory, but the second half of that relief supports a view that we would agree with, that there needs to be a focus on whether what is provided is indeed forward looking and genuinely '*strategic*'. Put another way, the guidance it provides needs to be pitched at a high level, and not focus on minutiae.

¹²⁸ Most of the other planners who gave evidence appeared to take the desirability of having one or more 'strategic' chapters as a given. Mr Tim Williams, however, explicitly supported the concept of having higher order provisions (at paragraph 10 of his evidence).

¹²⁹ Submission 806

78. In terms of general structuring, the submission of Real Journeys Limited¹³⁰ that provisions should be deleted where they duplicate or repeat other provisions might be noted. We agree that where provisions are duplicated, that duplication should generally be removed. The challenge is of course to identify where that has occurred.
79. The telecommunication companies¹³¹ sought that the relationship of the goals, objectives and policies with the other Chapters of the Plan be defined and that the goals be deleted but retained as titles. Another variation on the same theme was provided by Darby Planning LP¹³², which sought that the goals be deleted and incorporated into the relevant objective.
80. Remarkables Park Limited¹³³ and Queenstown Park Limited¹³⁴ also sought deletion of the goal statements *“to remove confusion as to their status and relationship to objectives and policies”*.
81. We think that the starting point when looking at the structuring of Chapter 3, both internally and with respect to the balance of the PDP, is to decide what the goals are, and what purpose they serve. When counsel for the Council opened the hearing on 7 March 2016, he suggested that the goals were a mixture of objectives and issues, or alternatively a mixture of issues and anticipated environmental results. Consistent with that view, in his reply evidence, Mr Paetz stated:
- “The goals are more than the description of an issue, having the aspirational nature of an objective.”*
82. He opposed, however, relabelling them as objectives as that would potentially create structural confusion with objectives sitting under objectives. In Mr Paetz’s view, the use of the term *“goal”* is commonly understood by lay people and he saw no particular problem with retaining them as is.
83. We do not concur.
84. As Mr Paetz noted, lay people have a reasonably clear understanding what a goal is. However, as counsel for Darby Planning LP pointed out to us, that understanding is that a goal is an objective (and vice versa)¹³⁵. It is inherently unsatisfactory to have quasi-objectives with no certainty as their role in the implementation of the PDP. Objectives have a particular role in a District Plan. Other provisions are tested under section 32 as to whether they are the most appropriate way to achieve the objectives. As Mr Chris Ferguson¹³⁶ noted, they also have a particular legal significance under section 104D of the Act. Accordingly, it is important to know what is an objective and what is not. We recommend that the goals not remain stated as *‘goals’*.

¹³⁰ Submission 621

¹³¹ Submissions 179, 191, 781: Opposed in FS1132; Supported in FS1121

¹³² Submission 608: Opposed in FS1034

¹³³ Submission 807

¹³⁴ Submission 806

¹³⁵ *Ngati Kahungunu Iwi Inc v Hawkes Bay Regional Council* [2015] NZEnvC50 at [42] citing the Concise Oxford Dictionary

¹³⁶ Planning witness appearing for Darby Planning LP, Soho Ski Area Ltd, Treble Cove Investors, Hansen Family Partnership

85. There appear to be at least four alternative options. They could be deleted or alternatively converted to titles for the respective subsections, as the telecommunication submitters suggest. The problem with the goals framed as titles is that they would then add little value and would not reflect the process by which the objectives and policies were developed, which as we understand it from the evidence of Council, reflected those goals.
86. That would be still more the case if they were simply deleted, as Remarkables Park Ltd and Queenstown Park Ltd seek.
87. They could be incorporated into the objectives, as Darby Planning LP suggests. That would preserve the work that went into their formulation, but the submission does not identify how exactly the objectives should be revised to achieve that result¹³⁷.
88. Logically there are two ways in which the goals might be incorporated into the objectives. The first is if the wording of the goals were melded with that of the existing objectives. We see considerable difficulties with that course. On some topics, there are a number of objectives that relate back to a single goal. In other cases, a single objective is related to more than one goal. It is not clear to us how the exercise could be undertaken without considerable duplication, and possibly an unsatisfactory level of confusion.
89. The alternative is to reframe the ‘goals’ as higher-level objectives, each with one or more focused objectives explicitly stated to be expanding on the higher-level objective. This avoids the problem of excessive duplication noted above, and the fact that some of the existing objectives relate back to more than one ‘goal’ can be addressed by appropriate cross-referencing. It also addresses the problem Mr Paetz identified of potential confusion with objectives under objectives. We recommend this approach be adopted and Chapter 3 be restructured accordingly. We will discuss the wording of each goal/higher-level objective below.
90. One problem of expressing the goals as higher-level objectives is that they fail to express the issues the strategic objectives seek to address¹³⁸. The result is something of a leap in logic; the high-level objectives come ‘out of the blue’ with little connection back to the special qualities identified in section 3.1.
91. The reality is, as the section 32 report for this aspect of the Plan makes clear¹³⁹, that the ‘goals’ were themselves derived from a series of issues, worded as follows:
- “1. Economic prosperity and equity, including strong and robust town centres;
 2. Growth pressures impacting on the functionality and sustainability of urban areas, and risking detracting from rural landscapes;
 3. High growth rates can challenge the qualities that people value in their communities;
 4. Quality of the natural environment and ecosystems;
 5. The District’s outstanding landscapes offer both significant intrinsic and economic value for the District and are potentially at threat of degradation given the District’s high rates of growth;
 6. While median household incomes in the District are relatively high, there is significant variation in economic wellbeing. Many residents earn relatively low wages, and the cost of living in the district is high – housing costs, heating in winter, and transport. This affects the social and

¹³⁷ Mr Chris Ferguson, giving planning evidence on the point, supported this relief (see his paragraph 109) but similarly did not provide us with revised objectives illustrating how this might be done.

¹³⁸ A role both counsel for the Council and Mr Paetz identified, the goals as having, as above.

¹³⁹ Section 32 Evaluation Report – Strategic Direction at pages 5-11

economic wellbeing of some existing residents and also reduces the economic competitiveness of the District and its ability to maximise productivity. The design of developments and environments can either promote or deter safety and health and fitness.

7. *Tangata whenua status and values require recognition in the District Plan, both intrinsically in the spirit of partnership (Treaty of Waitangi), but also under Statutes;*"

92. These issues have their faults. There is an undesirable level of duplication between them. The fourth issue is not framed as an issue. The sixth issue is in fact two discrete points, the first of which, as well as being extremely discursive, is actually an aspect of the first issue.
93. Even given these various faults, however, we consider a modified version of the section 32 report issues would add value as part of the background information in Section 3.1, explaining the link between the special qualities it identifies and the objectives set out in Section 3.2. Unlike the objectives, the issues have no legal status or significance and we regard them as merely clarifying the revised higher-level objectives by capturing part of what was previously stated in the 'goals'.
94. We will revert to how the 'issues' might be expressed in the context of our more detailed discussion of Section 3.1.
95. More generally in relation to the structuring of Chapter 3, we have formed the view that the overlaps between goals, and the separation of each subsection of Chapter 3 into a goal, followed by one or more objectives, with many of those objectives in turn having policies specific to that objective, has created a significant level of duplication across the chapter. In our view, this duplication needs to be addressed.
96. We are also concerned that there has been a lack of rigour in what has been regarded as 'strategic', which has in turn invited suggestions from some submitters that Chapter 3 ought to be expanded still further ¹⁴⁰.
97. We recommend that the best way to approach the matter is to collect together the strategic objectives in one section and the strategic policies in a separate section of Chapter 3. Objectives and policies duplicating one another are then no longer required and can be deleted.
98. It is recognised that it is still important to retain the link between objectives and policies, but this can be done by insertion of internal cross referencing. As previously discussed, we consider it is helpful to set out the issues that have generated the higher-level objectives, and we suggest a similar cross referencing approach to the links between the issues and the higher-level objectives. The revised PDP Chapter 3 attached to this report shows how we suggest this might best be done.
99. We also concur with the suggestion in the telecommunication submissions that there is a need for clarification as to the relationship between Chapter 3 and the balance of the PDP initially, and then the relationship of Part Two¹⁴¹ with the balance of the Plan. The apparent intent (as set out in Mr Paetz's Section 42A Report) is that they should operate as a hierarchy with

¹⁴⁰ Counsel for DJ and EJ Cassells, Bulling Family and M Lynch and Friends of Wakatipu Gardens and Reserves for instance suggested to us that this was required to provide balance

¹⁴¹ Comprising Chapters 3-6 inclusive

Chapter 3 at the apex, but the PDP does not actually say that. The potential confusion is enhanced by the fact that the ODP was drafted with the opposite intent¹⁴².

100. The last paragraph of Section 3.1 is the logical place for such guidance. Mr Chris Ferguson¹⁴³ suggested we might utilise a similar paragraph to that which the independent Hearing Panel for the Replacement Christchurch District Plan approved – stating explicitly that Chapter 3 has primacy over all other objectives and policies in the PDP, which must be consistent with it. That wording, however, reflected the unique process involved there, with the Strategic Directions Chapter released before finalisation of the balance of the Plan, and we think a more tailored position is required for the PDP to recognise that we are recommending revisions to the whole of Stage 1 of the PDP to achieve an integrated end product. Combining this concept with the need to explain the structure of the revised chapter, we recommend that it be amended to read as follows:

“This Chapter sets out the District Plan’s high-level objectives and policies addressing these issues. High level objectives are elaborated on by more detailed objectives. Where these more detailed objectives relate to more than one higher level objective, this is noted in brackets after the objective. Because many of the policies in Chapter 3 implement more than one objective, they are grouped, and the relationship between individual policies and the relevant strategic objective(s) identified in brackets following each policy. The objectives and policies are further elaborated on in Chapters 4-6. The principal role of Chapters 3-6 collectively is to provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. In addition, they also provide guidance on what those more detailed provisions are seeking to achieve, and are accordingly relevant to decisions made in the implementation of the Plan.”

2.1. Section 3.1 - Purpose

101. With the exception of clarification of the relationship between the different elements of Chapter 3 and the balance of the PDP, as above, the submissions seeking amendments to the Statement of Purpose in Section 3.1¹⁴⁴ appear to be seeking to incorporate their particular aspirations as to what might occur in future, rather than stating the special qualities the District currently has, which is what Section 3.1 sets out to do. Accordingly, we do not recommend any change to the balance of Section 3.1.
102. We note that the amendments sought in Submission 810 was withdrawn when the submitter appeared at the Stream 1A hearing.
103. To provide the link between the specified special qualities and the high-level objectives in Section 3.2, we recommend the issues set out in the section 32 report be amended.
104. As discussed above, the sixth issue is effectively two issues with the first part an overly discursive aspect of the first issue. Looking both at the first part of sixth issue and the explanation of it in the section 32 report, the key point being made is that not all residents are able to provide for their social economic wellbeing due to a low wage structure and a high cost of living. The concept of an equitable economy in the first issue captures some of those issues,

¹⁴² C180/99 at [126]

¹⁴³ Planning witness for Darby Planning LP

¹⁴⁴ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1299; and Submission 598: Supported in FS1287

but it also suggests a need to highlight both the need for greater diversification of the economy¹⁴⁵ and for enhanced social and economic prosperity.

105. The second, fourth and fifth issues refer variously to rural landscapes, the natural environment and outstanding landscapes. There is significant overlap between these elements. The outstanding landscapes of the District are generally rural landscapes. They are also part of the natural environment. The fourth issue also separates ecosystems from the natural environment when in reality, ecosystems are part of the natural environment. It is also not framed as an issue. Clearly outstanding landscapes require emphasis, given the national importance placed on their protection, but we recommend these three issues be collapsed into two.
106. Lastly, the reference to the reasons why Tangata Whenua status and values require recognition is unnecessary in the statement of an issue and can be deleted without losing the essential point.
107. In summary, we recommend that the following text be inserted into Section 3.1 to provide the linkage to the objectives and clarification we consider is necessary:
 - a. *“Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.*
 - b. *Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.*
 - c. *Issue 3: High growth rates can challenge the qualities that people value in their communities.*
 - d. *Issue 4: The District’s natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.*
 - e. *Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.*
 - f. *Issue 6: Tangata Whenua status and values require recognition in the District Plan.”*

2.2. Section 3.2.1 – Goal – Economic Development

108. The goal for this subsection is currently worded:

“Develop a prosperous, resilient and equitable economy”.

109. Submissions specifically on this first goal (apart from those supporting it in its current form) sought variously that it be amended by a specific reference to establishment of education and research facilities¹⁴⁶ and that the word *“equitable”* be deleted¹⁴⁷.
110. As part of UCES’s more general opposition to Chapter 3, Mr Haworth opposed Goal 1 on the basis that it was not required because the economy was already flourishing, and elevating recognition of the economy conflicted with the emphasis given to the importance of protecting the environment in a manner that is likely to threaten landscape protection.

¹⁴⁵ Submission 115 sought that the first goal refer specifically to establishment of education and research facilities to generate high end jobs which we regard as an example of economic diversification

¹⁴⁶ Submission 115

¹⁴⁷ Submission 806

111. Mr Paetz did not recommend any amendment to this goal.
112. The RPS contains no over-arching objective related to the economy that bears upon how this goal is expressed. We should note, however, Policy 1.1.2 of the Proposed RPS which reads:
- “Provide for the economic wellbeing of Otago’s people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement.”*
113. This is in the context of an objective¹⁴⁸ focussing on integrated management of resources to support the wellbeing of people and communities.
114. If the restructuring we have recommended is accepted, so that each goal is expressed as a high-level objective expanded by more focussed objectives, we believe that the concerns underlying the submissions on this goal would largely be addressed. Thus, if Goal 1 has what is currently Objective 3.2.1.3 under and expanding it, the Plan will recognise the diversification that Submission 115 seeks, albeit more generally than just with reference to education and research facilities.
115. Similarly, while we can understand the concern underlying Submission 806, that reference to equity could be read a number of different ways, provision of a series of more focused objectives to flesh out this goal assists in providing clarity.
116. We do not accept Mr Haworth’s contentions either that a high-level objective focussing on economic wellbeing is unnecessary or that it threatens environmental values, including landscape values. The evidence we heard, in particular from Mr Cole¹⁴⁹, indicates to us that economic prosperity (and social wellbeing) are not universally enjoyed in the District. We also intend to ensure that it is clear in the more detailed provisions expanding on this broad high-level objective that while important, economic objectives are not intended to be pursued without regard for the environment (reflecting the emphasis in the Proposed RPS quoted above).
117. In summary, therefore, the only amendments we recommend to the wording of Section 3.2.1 are to express it as an objective and to be clear that it is the economy of this district which is the focus, as follows:
- “The development of a prosperous, resilient and equitable economy in the District.”*
118. We consider a higher-level objective to this effect is the most appropriate way to achieve the purpose of the Act.

2.3. Section 3.2.1 – Objectives – Economic Development

119. As notified, Section 3.2.1 had five separate objectives. The first two (3.2.1.1 and 3.2.1.2) focus on the economic contribution of central business areas of Queenstown and Wanaka and the commercial and industrial areas outside those areas respectively. The other three objectives focus on broader aspects of the economy.

¹⁴⁸ Proposed RPS Objective 1.1

¹⁴⁹ For Queenstown Lakes Community Housing Trust.

120. A common feature of each of the objectives in Section 3.2.1 is that they commence with a verb: recognise, develop and sustain; enable; recognise; maintain and promote.
121. Nor is Section 3.2.1 alone in this. This appears to be the drafting style employed throughout Chapters 3, 4 and 6 (and beyond). Moreover, submitters have sought to fit in with that drafting style, with the result that almost without exception, the amendments sought by submitters to objectives would be framed in a similar way¹⁵⁰.
122. We identified at the outset an issue with objectives drafted in this way. Put simply, they are not objectives because they do not identify “*an end state of affairs to which the drafters of the document aspire*”¹⁵¹.
123. Rather, by commencing with a verb, they read more like a policy – a course of action¹⁵² (to achieve an objective).
124. We discussed the proper formulation of objectives initially with Mr Paetz and then with virtually every other planning witness who appeared in front of us. All agreed that a properly framed objective needed to state an environmental end point or outcome (consistent with the *Ngati Kahungunu* case just noted). At our request, Mr Paetz and his colleague Mr Barr (responsible for Chapter 6) produced revised objectives for Chapters 3, 4 and 6, reframing the notified objectives to state an environmental end point or outcome. Counsel for the Council filed a memorandum dated 18 March 2016 producing the objectives of Chapters 3, 4 and 6 reframed along the lines above. As previously noted, the Chair directed that the Council’s memorandum be circulated to all parties who had appeared before us (and those who were yet to do so) to provide an opportunity for comment.
125. We note that because the task undertaken by Mr Paetz and Mr Barr was merely to reframe the existing objectives in a manner that explicitly stated an environmental end point or outcome, rather than (as previously) just implying it, we do not regard this as a scope issue¹⁵³, or as necessitating (to the extent we accepted those amendments) extensive evaluation under section 32.
126. Similarly, to the extent that submitters sought changes to objectives, applying the drafting style of the notified plan, we do not regard it as a scope issue to reframe the relief sought so as to express objectives so that they identify an environmental end point or outcome. We have read all submissions seeking amendments to objectives on that basis.
127. As notified, Objective 3.2.1.1 read:
- “Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the Districts economy.”*
128. The version of this objective ultimately recommended by Mr Paetz and attached to counsel’s 18 March 2016 Memorandum read:

¹⁵⁰ Submission 761 (Orfel Ltd) was a notable exception in this regard, noting that a number of Chapter 3 objectives are stated as policies, and seeking that they be reframed as aspirational outcomes to be achieved.

¹⁵¹ *Ngati Kahungunu Iwi Incorporated v Hawkes Bay Regional Council* [2015] NZEnvC50 at [42]

¹⁵² *Auckland Regional Council v North Shore City Council* CA29/95 at page 10

¹⁵³ Quite apart from the scope provided by Submission 761 for a number of the ‘*objectives*’ in issue.

“The Queenstown and Wanaka town centres are the hubs of New Zealand’s premier alpine resorts and the District’s economy.”

129. We think that substituting reference to Queenstown and Wanaka town centres is preferable to referring to their “*central business areas*” because of the lack of clarity as to the limits of what the latter might actually refer to. Although the evidence of Dr McDermott for the Council suggested that he had a broader focus, the advantage of referring to town centres is because the PDP maps identify the Town Centre zones in each case. Mr Paetz agreed that a footnote might usefully confirm that link, and we recommend insertion of a suitably worded footnote.
130. NZIA suggested that rather than referring to central business areas, the appropriate reference would be to the Queenstown and Wanaka waterfront. While that may arguably be an apt description for the central area of Queenstown, we do not think that it fits so well for Wanaka, whose town centre extends well up the hill along Ardmore Street and thus we do not recommend that change.
131. The focus of other submissions was not so much on the wording of this particular objective but rather on the fact that the focus on the Queenstown and Wanaka town centres failed to address the increasingly important role played by commercial and industrial development on the Frankton Flats¹⁵⁴, the role that the Three Parks commercial development is projected to have in Wanaka¹⁵⁵, and the role of the visitor industry in the District’s economy, facilities for which are not confined to the Queenstown and Wanaka town centres¹⁵⁶. In his Section 42A Report, Mr Paetz recognised that the first and third of these points were valid criticisms of the notified PDP and recommended amended objectives to address them.
132. Turning to the RPS to see what direction we get from its objectives, the focus is on a generally expressed promotion of sustainable management of the built environment¹⁵⁷ and of infrastructure¹⁵⁸. The policies relevant to these objectives are framed in terms of promoting and encouraging specified desirable outcomes¹⁵⁹, minimising adverse effects of urban development and settlement¹⁶⁰, and maintaining and enhancing quality of life¹⁶¹. As such, none of these provisions appear to bear upon the objectives in this part of the PDP, other than in a very general way.
133. The Proposed RPS gets closer to the point at issue with Objective 4.5 seeking effective integration of urban growth and development with adjoining urban environments (among other things). The policies supporting that objective do not provide any relevant guidance as to how this might be achieved. Policy 5.5.3, however, directs management of the distribution of commercial activities in larger urban areas “*to maintain the vibrancy of the central business district and support local commercial needs*” among other things by “*avoiding unplanned*

¹⁵⁴ E.g. Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1157, FS1226, FS1239, FS1241, FS1242, FS1248, FS1249; Submission 806: Supported in FS1012; Submission 807

¹⁵⁵ Submission 249: Supported in FS1117

¹⁵⁶ E.g. Submission 615: Supported in FS1105, FS1137; Submission 621: Supported in FS1097, FS1117, FS1152, FS1333, FS1345; Submission 624; Submission 677; Supported in FS1097, FS1117; Opposed in FS1035, FS1074, FS1312, FS1364; Submission 716: Supported in FS1097, FS1117, FS1345

¹⁵⁷ RPS Objective 9.4.1

¹⁵⁸ RPS Objective 9.4.2

¹⁵⁹ RPS Policies 9.5.2 and 9.5.3

¹⁶⁰ RPS Policy 9.5.4

¹⁶¹ RPS Policy 9.5.5

extension of commercial activities that has significant adverse effects on the central business district and town centres.”

134. We read this policy as supporting the intent underlying this group of objectives, while leaving open how this might be planned.
135. Addressing each objective suggested by Mr Paetz in turn, the version of his recommended Frankton objective presented with his reply evidence reads:
- “The key mixed use function of the Frankton commercial area is enhanced, with better transport and urban design integration between Remarkables Park, Queenstown Airport, Five Mile and Frankton Corner”.*
136. This is an expansion from the version of the same objective recommended with Mr Paetz’s Section 42A Report reflecting a view (explained by Mr Paetz in this reply evidence¹⁶²) that the Frankton area should be viewed as one wider commercial locality, comprising a network of several nodes, with varying functions and scales.
137. Dr McDermott gave evidence for the Council, supporting separate identification of the Frankton area on the basis that its commercial facilities had quite a different role to the town centres of Wanaka and Queenstown and operated in a complimentary manner to those centres.
138. We also heard extensive evidence from QAC as to the importance of Queenstown Airport to the District’s economy¹⁶³.
139. We accept that Frankton plays too important a role in the economy of the District for its commercial areas to be classed in the ‘other’ category, as was effectively the case in the notified Chapter 3. We consider, however, that it is important to be clear on what that role is, and how it is different to that of the Queenstown and Wanaka town centres. That then determines whether a wider or narrower view of what parts of the Frankton area should be the focus of the objective.
140. The term Dr McDermott used to describe Frankton was “mixed use” and Mr Paetz recommended that that be how the Frankton area is described.
141. The problem we had with that recommendation was that it gives no sense of the extent of the ‘mix’ of uses. In particular, “mixed use” could easily be taken to overlap with the functions of the Queenstown town centre. Dr McDermott described the latter as being distinguished by the role it (and Wanaka town centre) plays in the visitor sector, both as destinations in their own right and then catering for visitors when they are there¹⁶⁴. By contrast, he described Frankton as largely catering for local needs although when he appeared at the hearing, he emphasised that local in this sense is relative, because of the role of the Frankton retail and industrial facilities in catering for a wider catchment than just the immediate Frankton area. While Dr McDermott took the view that that wider catchment might extend as far as Wanaka, his opinion in that regard did not appear to us to be based on any hard evidence. However, we accept that Frankton’s role is not limited to serving the immediate ‘local’ area.

¹⁶² At paragraph 5.7

¹⁶³ In particular, the evidence of Mr Mark Edghill

¹⁶⁴ Dr P McDermott, EIC at 2.1(c).

142. Mr Chris Ferguson suggested to us that because of the overlapping functions between commercial centres, referring to *“the wider Frankton commercial area”* confused the message¹⁶⁵.
143. Evidence we heard, in particular from the NZIA representatives, took the same point further, suggesting that Frankton’s importance to the community was not limited to its commercial and industrial facilities, and that it had an important role in the provision of educational, health and recreation facilities as well. We accept that point too. This evidence suggests a need to refer broadly to the wider Frankton area than just to specific nodes or elements, and to a broader range of community facilities.
144. The extent to which this objective should focus on integration was also a matter in contention. The representatives for QAC opposed reference to integration for reasons that were not entirely clear to us and when he reappeared on the final day of hearing, Mr Kyle giving evidence for QAC, said that he was ambivalent on the point.
145. For our part, we regard integration between the various commercial and industrial nodes of development on the Frankton Flats (including Queenstown Airport), and indeed its residential areas¹⁶⁶, as being important, but consider that this is better dealt with as a policy. We will come back to that.
146. In summary, we recommend that Mr Paetz’s suggested objective largely be accepted, but with the addition of specific reference to its focus on visitors, to provide a clearer distinction between the roles of Queenstown and Wanaka town centres and Frankton and Three Parks respectively.
147. Accordingly, we recommend that the wording of Objective 3.2.1.1 (renumbered 3.2.1.2 for reasons we will shortly explain) be amended so read:
- “The Queenstown and Wanaka town centres¹⁶⁷ are the hubs of New Zealand’s premier alpine visitor resorts and the District’s economy.”*
148. We further recommend that a new objective be added (numbered 3.2.1.3) as follows:
- “The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.”*
149. The case for recognition of the Three Parks commercial area is less clear. While, when the development is further advanced, it will be a significant element of the economy of the Upper Clutha Basin, that is not the case at present.
150. Mr Dippie appeared before us and made representations on behalf of Orchard Road Holdings Limited¹⁶⁸ and Willowridge Developments Limited¹⁶⁹ advocating recognition of Three Parks in the same way that the Frankton commercial areas were proposed (by Council staff) to be

¹⁶⁵ C Ferguson, EIC at paragraph 103

¹⁶⁶ A key issue for QAC is how Queenstown airport’s operations might appropriately be integrated with further residential development in the wider Frankton area

¹⁶⁷ Defined by the extent of the Town Centre Zone in each case.

¹⁶⁸ Submission 91/Further Submission 1013

¹⁶⁹ Submission 249/Further Submission 1012

recognised, but was reasonably non-specific as to exactly how that recognition might be framed.

151. Dr McDermott's evidence in this regard suffered from an evident unfamiliarity with the Wanaka commercial areas and was therefore not particularly helpful. However, we were assisted by Mr Kyle who, although giving evidence for QAC, had previously had a professional role assisting in the Three Parks development. In response to our query, he described the primary function of the Three Parks commercial area as being to provide more locally based shopping, including provision for big box retailing. He thought there was a clear parallel between the relationship between Frankton and Queenstown town centre.

152. Mr Paetz recommended in his reply evidence that the Three Parks area be recognised in its own objective as follows:

"The key function of the commercial core of the Three Parks Special Zone is sustained and enhanced, with a focus on large format retail development".

153. We do not regard it is appropriate for the objective related to Three Parks to provide for *"sustaining and enhancing"* of the function of the commercial part of the Three Parks area; that is more a policy issue. Similarly, saying that the Three Parks Commercial Area should be focussed on large format retail development leaves too much room, in our view, for subsidiary focusses which will erode the role of the Wanaka town centre. Lastly, referring to the Three Parks *'Special Zone'* does not take account of the possibility that there may not be a *'Special Zone'* in future.

154. Ultimately, though, we recommend that the Three Parks Commercial Area be recognised because it is projected to be a significant element of the economy of the Upper Clutha Basin over the planning period covered by the PDP.

155. To address the wording issues noted above, we recommend that the objective (numbered 3.2.1.4) be framed as follows:

"The key function of the commercial core of Three Parks is focussed on large format retail development".

156. The only submission seeking amendment to the notified Objective 3.2.1.3, sought that it be reworded as an aspirational outcome to be achieved, rather than as a policy¹⁷⁰. In his reply evidence, the version of this objective suggested by Mr Paetz (addressing this point) read:

"Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities."

157. Although only an issue of emphasis, we see the environmental outcome as being related to the District's economic base. Development of enterprises contributing to economic diversity and employment are a means to that end.

158. Accordingly, we recommend that the objective (renumbered 3.2.1.6) be reframed as follows:

¹⁷⁰ Submission 761

“Diversification of the District’s economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.”

159. As already noted, a number of submissions raised the need for specific recognition of the visitor industry outside the Queenstown and Wanaka town centres.

160. The objective recommended by Mr Paetz in his reply evidence to address the failure of the notified plan to recognise the significance of the visitor industry to the District economy in this context was framed as follows:

“The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.”

161. While we accept the need for an objective focused on the contribution of the visitor industry outside the Queenstown and Wanaka town centres to the District’s economy, including but not limited to employment, the phraseology of Mr Paetz’s suggested objective needs further work. Talking about the benefits being provided for does not identify a clear outcome. The objective needs to recognise the importance of the visitor industry without conveying the impression that provision for the visitor industry prevails over all other considerations irrespective of the design or location of the visitor industry facilities in question. Policy 5.3.1(e) of the Proposed RPS supports some qualification of recognition for visitor industry facilities – it provides for tourism activities located in rural areas *“that are of a nature and scale compatible with rural activities”*. Similarly, one would normally talk about enabling activities (that generate benefits) rather than enabling benefits. Benefits are realised. Lastly, we prefer to refer to the visitor industry rather than to tourism activities. Reference to tourism might be interpreted to exclude domestic visitors to the District. It also excludes people who visit for reasons other than tourism.

162. In summary, we recommend that a new objective be inserted worded as follows:

“The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.”

163. Given the importance of the visitor industry to the District’s economy and the fact that the other objectives addressing the economy are more narrowly focused, we recommend that it be inserted as the first objective (fleshing out the revised goal/higher-level objective stated in Section 3.2.1) and numbered 3.2.1.1.

164. Objective 3.2.1.2 was obviously developed to operate in conjunction with 3.2.1.1. As notified, it referred to the role played by commercial centres and industrial areas outside the Wanaka and Queenstown central business areas.

165. Many of the submissions on this objective were framed around the fact that as written, it would apply to the Frankton Flats commercial and industrial areas, and to the Three Parks commercial area. As such, if our recommendations as above are accepted, those submissions have effectively been overtaken, being addressed by insertion of specific objectives for those areas.

166. In Mr Paetz’s reply evidence, the version of this objective he recommended read:

“Enhance and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres and Frankton.”

167. Starting with two verbs, this still reads more like a policy than an objective. Mr Paetz’s suggested objective also fails to take account of his recommendation (which we accept) that the commercial area of Three Parks be the subject of a specific objective. Lastly, and as for renumbered Objective 3.2.1.2, it needs clarity as to the extent of the ‘town centres’.

168. Addressing these matters, we recommend that this objective (renumbered 3.2.1.5) be amended to read as follows:

“Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres¹⁷¹, Frankton, and Three Parks are sustained.”

169. Objective 3.2.1.4 as notified read:

“Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.”

170. This objective attracted a large number of submissions querying the reference to farming having a “strong productive value”¹⁷² with many of those submissions seeking that the objective refer to “traditional” land uses. Some submissions¹⁷³ sought that the objective be more overtly ‘enabling’. One submission¹⁷⁴ sought to generalise the objective so that it does not mention the nature of current uses, but rather focuses on enabling “tourism, employment, recreational, and residential based activities” and imports a test of “functional need to be located in rural areas.” Mr Carey Vivian, giving evidence both for this submitter and a further submitter opposing the submission¹⁷⁵, suggested to us that a ‘functional need’ test would ensure inappropriate diversification does not occur. Mr Chris Ferguson supported another submission¹⁷⁶ that suggested a functional need test¹⁷⁷, but did not comment on how that test should be interpreted. We are not satisfied that Mr Vivian’s confidence is well founded. As we will discuss later in this report in relation to suggestions that activities relying on the use of rural resources should be provided for, these seem to us to be somewhat elastic concepts, potentially applying to a wide range of activities.

171. Many submissions also sought deletion of the reference to a “sensitive” approach¹⁷⁸.

¹⁷¹ Defined by the extent of the Town Centre Zone in each case

¹⁷² See e.g. Submissions 343, 345, 375, 407, 437, 456, 513, 522, 532, 534, 535, 537, 696, 806, 807; Supported in FS1097, FS1192, FS1256, FS1286, FS1322; Opposed in FS1004, FS1068, FS1071, FS1120, FS1282, FS1322.

¹⁷³ E.g. Submission 621

¹⁷⁴ Submission 519; Supported in FS1015 and FS1097; Opposed in FS1356

¹⁷⁵ Further Submission 1356

¹⁷⁶ Submission 608-Darby Planning LP

¹⁷⁷ As part of a revised version of the objective that has similarities to that sought in Submission 519, but also some significant differences discussed further below.

¹⁷⁸ See e.g. Submissions 519, 598, 600, 791, 794, 806, 807; Supported in FS1015, FS1097, FS1209; Opposed in FS1034, FS1040, FS1356

172. Suggestions varied as to how potential adverse effects resulting from diversification of land uses might be addressed. One submitter¹⁷⁹ suggested adverse effects on the matters referred to be taken into account, or alternatively that an ‘*appropriate*’ approach be taken to adverse effects. Mr Vivian, giving planning evidence on the point, suggested as a third alternative, an ‘*effects-based*’ approach. Another submitter¹⁸⁰ suggested that potential adverse effects be avoided, remedied or mitigated. Mr Jeff Brown supported the latter revision in his planning evidence¹⁸¹, on the basis that he preferred the language of the Act. Yet another submission¹⁸², supported by the planning evidence of Mr Chris Ferguson, suggested that reference to adverse effects be omitted (in the context of a reframed objective that would recognise the value of the natural and physical resources of rural areas to enable specified activities and to accommodate a diverse range of activities).
173. By Mr Paetz’s reply evidence, he had arrived at the following recommended wording:
- “Diversification of land use in rural areas providing adverse effects on rural amenity, landscape character, healthy ecosystems and Ngai Tahu values, rights and interests are avoided, remedied or mitigated.”*
174. Looking to the RPS for direction, we note that Objective 5.4.1 identifies maintenance and enhancement of the primary production capacity of land resources as an element of sustainable management of those resources. Policy 5.5.2 is also relevant, promoting retention of the primary productive capacity of high class soils. We did not hear any evidence as to whether any, and if so, which, soils would meet this test in the District, but Policy 5.5.4 promotes diversification and use of the land resource to achieve sustainable land use and management systems. While generally expressed, the latter would seem to support the outcome the PDP objective identifies, at least in part.
175. The Proposed RPS focuses on the sufficiency of land being managed and protected for economic production¹⁸³. This is supported by policies providing, inter alia, for enabling of primary production and other activities supporting the rural economy and minimising the loss of significant soils¹⁸⁴. This also supports recognition of the primary sector.
176. We accept that the many submissions taking issue with the reference to the strong productive value of farming have a point, particularly in a District where the visitor industry makes such a large contribution to the economy, both generally and relative to the contribution made by the farming industry¹⁸⁵. Nor is it obvious why, if the effects-based tests in the objective are met, diversification of non-farming land uses is not a worthwhile outcome.
177. The alternative formulation of the objective suggested by Darby Planning LP, and supported by Mr Ferguson, would side-step many of the other issues submissions have focussed on, but ultimately, we take the view that stating rural resources are valued for various specified purposes does not sufficiently advance achievement of the purpose of the Act. Put simply, it invites the query: so what?

¹⁷⁹ Submission 519; Supported in FS1015 and FS1097; Opposed in FS1356

¹⁸⁰ Submission 806

¹⁸¹ At paragraph 4.7

¹⁸² Submission 608; Supported in FS1097, FS1117, FS1155, FS1158; Opposed in FS1034

¹⁸³ Proposed RPS, Objective 5.3

¹⁸⁴ Proposed RPS, Policy 5.3.1

¹⁸⁵ We note in particular the evidence of Mr Ben Farrell (on behalf of Real Journeys Ltd in relation to this point).

178. Reverting to Mr Paetz’s recommendation, in our view, it is desirable to be clear what the starting point is; diversification from what? Accordingly, we recommend the submissions seeking that reference be to traditional land uses in rural areas be accepted. Clearly farming is one such traditional land use and we see no issue with referring to that as an example. We do not accept that a *‘functional need’* test would add value, because of the lack of clarity as to what that might include.
179. We also agree that the reference in a notified objective to a sensitive approach requires amendment because it gives little clarity as to the effect of the sensitive approach on the nature and extent of adverse effects. We do not, however, recommend that reference be made to adverse effects being avoided, remedied or mitigated. For the reasons discussed above, this gives no guidance as to the desired level of adverse effects on the matters listed. The suggestions that the objective refer to adverse effects being taken into account, or that an appropriate approach be taken to them. would push it even further into the realm of meaninglessness¹⁸⁶. Those options are not recommended either.
180. Some submissions¹⁸⁷ sought to generalise the nature of the adverse effects required to be managed, deleting any reference to any particular category of effect.
181. In our view, part of the answer is to be clearer about the nature of adverse effects sought to be controlled, combined with being clear about the desired end result. We consider that rural amenity is better addressed through objectives related to activities in the rural environment more generally. Reference to healthy ecosystems in this context is, in our view, problematic. The health of the ecosystems does not necessarily equate with their significance. In addition, why are adverse effects on healthy ecosystems more worthy of protection from diversified land uses than unhealthy ecosystems? One would have thought it might be the reverse.
182. The PDP contains an existing definition of “nature conservation values”. When counsel for the Council opened the hearing, we queried the wording of this definition which incorporated policy elements and did not actually fit with the way the term had been used in the PDP. Counsel agreed that it needed amendment and in Mr Paetz’s reply evidence he suggested the following revised definition of nature conservation values:
- “The collective and interconnected intrinsic values of the indigenous flora and fauna, natural ecosystems and landscape.”*
183. We regard the inclusion of a generalised reference to landscape as expanding nature conservation values beyond their proper scope. Landscape is relevant to nature conservation values to the extent that it provides a habitat for indigenous flora and fauna and natural ecosystems, but not otherwise.
184. Objective 21.2.1 of the PDP refers to ecosystem services as a value deserving of some recognition. The term itself is defined in Chapter 2 as the resources and processes the environment provides. We regard it as helpful to make it clear that when natural ecosystems are referred to in the context of nature conservation values, the collective values of ecosystems include ecosystem services.

¹⁸⁶ As indeed would the further alternative suggested by Mr Vivian

¹⁸⁷ E.g. Submissions 806 and 807

185. Accordingly, we recommend to the Stream 10 Hearing Panel that the definition of nature conservation values be amended to read:

“The collective and interconnected intrinsic values of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.”

186. Given this revised definition, nature conservation values is a concept which, in our view, could be utilised in this objective. However, given the breadth of the values captured by the definition, it would not be appropriate to refer to all nature conservation values. Some qualitative test is required; in this context, we recommend that the focus be on ‘significant’ nature conservation values.

187. Lastly, consequential on the changes to the Proposed RPS discussed in Report 2, and to the recommendations of that Hearing Panel as to how Objective 3.2.7.1 is framed, the reference to Ngāi Tahu values, **rights** and interests needs to be reviewed.

188. In summary, therefore, we recommend that the objective (renumbered 3.2.1.8) read as follows:

“Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources are maintained.”

189. While we agree with Mr Paetz’s recommendation that reference to the strong productive value of farming (in the context of notified Objective 3.2.1.4) be deleted, deletion of that reference, and amending the objectives to refer to realisation of the benefits from the visitor industry and diversification of current land uses leaves a gap, because it fails to recognise the economic value of those traditional farming activities. We accept that ongoing farming also provides a collateral benefit to the economy through its contribution to maintenance of existing rural landscape character, on which the visitor industry depends¹⁸⁸. Mr Ben Farrell gave evidence suggesting, by contrast, that farming has had adverse effects on natural landscapes and that those ‘*degraded*’ natural environments had significant potential to be restored¹⁸⁹. We accept that farming has extensively modified the natural (pre-European settlement) environment. However, the expert landscape evidence we heard (from Dr Read) is that large areas of farmed landscapes are outstanding natural landscapes and section 6(b) requires that those landscapes be preserved. Cessation of farming might result in landscapes becoming more natural, but we consider that any transition away from farming would have to be undertaken with great care.

190. Continuation of the status quo, by contrast, provides greater surety that those landscapes will be preserved. As already noted, recognition of existing primary production activities is also consistent both with the RPS and the Proposed RPS. The notified Objective 3.2.5.5. sought to address the contribution farming makes to landscape values, as follows:

“Recognise that agricultural land use is fundamental to the character of our landscapes.”

¹⁸⁸ The relationship between landscape values and economic benefits was recognised by the Environment Court as long ago as *Crichton v Queenstown Lakes District Council*. W12/99 at page 12. Dr Read gave evidence that this remains the position – see Dr M Read, EiC at 4.2.

¹⁸⁹ B Farrell, EiC at [111] and [116]

191. That objective attracted a large number of submissions, principally from tourist interests and parties with an interest in residential living in rural environments, seeking that it recognise the contribution that other activities make to the character of the District's landscapes¹⁹⁰. This prompted Mr Paetz to recommend that the focus of the objective be shifted to read:

"The character of the District's landscapes is maintained by ongoing agricultural land use and land management."

192. We agree with the thinking underlying Mr Paetz's recommendation, that as many submitters suggest, agricultural land uses are not the only way that landscape character is maintained.

193. However, we have a problem with that reformulation, because not all agricultural land use and land management will maintain landscape character¹⁹¹.

194. We are also wary of any implication that existing farmers should be locked into farming as the only use of their land, particularly given the evidence we heard from Mr Phillip Bunn as to the practical difficulties farmers have in the Wakatipu Basin continuing to operate viable businesses. The objective needs to encourage rather than require farming of agricultural land.

195. The suggested objective also suffers from implying rather than identifying the desired environmental end point. To the extent the desired end point is continued agricultural land use and management (the implication we draw from the policies seeking to implement the objective), landscape character values are not the only criterion (as the policies also recognise – referring to significant nature conservation values).

196. We therefore recommend that Objective 3.2.5.5 be shifted to accompany the revised Objective 3.2.1.4, as above, and amended to read as follows:

"Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled."

197. Logically, given that agricultural land uses generally represent the status quo in rural areas, this objective should come before the revised Objective 3.2.1.4 and so we have reordered them, numbering this Objective 3.2.1.7.

198. The final objective in Section 3.2.1, as notified, related to provision of infrastructure, reading:

"Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks."

199. A number of submissions were lodged by infrastructure providers¹⁹² related to this objective, seeking that its scope be extended in various ways, discussed further below. We also heard a substantial body of evidence and legal argument regarding the adequacy of treatment for

¹⁹⁰ Submissions 343, 345, 375, 407, 437, 456, 513, 515, 522, 531, 534, 535, 537, 598, 807; Supported in FS1097, FS1056, FS1086, FS1287, FS1292, FS1322; Opposed in FS1068, FS1071, FS1091, FS1120 and FS1282

¹⁹¹ Mr Dan Wells suggested to us the introduction of pivot irrigators for instance as an example of undesirable agricultural evolution from a landscape character perspective).

¹⁹² Submissions 251, 433, 635, 719, 805; Supported in FS1077, FS1092, FS1097, FS1115, FS1117, FS1159, FS1340; Opposed in FS1057, FS1117, FS1132

infrastructure in this regard, and elsewhere. We were reminded by Transpower New Zealand Limited¹⁹³ that we were obliged to give effect to the NPSET 2008.

200. Other submissions¹⁹⁴ sought deletion of an inclusive list. Submission 807 argued that the *'three waters'* are essential and should be recognised. That submission also sought that the objective emphasise timely provision of infrastructure. Submission 806 sought that the objective recognise the need to minimise adverse effects by referring to the importance of maintaining the quality of the environment.
201. Another approach suggested was to clarify/expand the description of infrastructure¹⁹⁵
202. Mr Paetz recommended that we address these submissions by inserting a new goal, objective and policy into Chapter 3.
203. We do not agree with that recommendation. It seems to us that while important at least to the economic and social wellbeing of people and communities (to put it in section 5 terms), infrastructure needs (including provisions addressing reverse sensitivity issues) are ultimately an aspect of development in urban and rural environments so as to achieve a prosperous and resilient economy (and therefore squarely within the first goal/high-level objective), rather than representing a discrete topic that should be addressed with its own goal/high-level objective.
204. That does not mean, however, that this is not an appropriate subject for an objective at the next level down. Reverting then to the notified objective, we consider the submissions opposing the listing of some types of infrastructure have a point. Even though the list is expressed to be inclusive, it invites a *'me too'* approach from those infrastructure providers whose facilities have not been listed¹⁹⁶ and raises questions as to why some infrastructure types are specifically referenced, and not others. The definition of 'infrastructure' in the Act is broad, and we do not think it needs extension or clarification.
205. The essential point is that the efficient operation of infrastructure is a desirable outcome in the broader context of seeking a prosperous and resilient District economy. Quite apart from any other considerations, Objective 9.4.2 of the RPS (promoting the sustainable management of Otago's infrastructure¹⁹⁷) along with Policy 9.5.2 (promoting and encouraging efficiency and use of Otago's infrastructure) would require its recognition. We regard that as an appropriate objective, provided that outcome is not pursued to the exclusion of all other considerations; in particular, without regard to any adverse effects on the natural environment that might result.
206. It follows that we accept in principle the point made in Submission 806, that adverse effects of the operation of infrastructure need to be minimised as part of the objective.
207. As regards the submissions seeking extension of the scope of the objective, we accept that this objective might appropriately be broadened to relate to the provision of infrastructure, as well

¹⁹³ Submission 805

¹⁹⁴ Submissions 806 and 807; Opposed in FS1077

¹⁹⁵ Submissions 117 and 238: Supported in FS1117; Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

¹⁹⁶ Accepting that submissions of this ilk were not limited to infrastructure providers- NZIA sought that bridges be added to the list.

¹⁹⁷ See Objective 4.3 of the Proposed RPS to similar effect

as its operation. Submitters made a number of suggestions as to how a revised objective might be framed to extend it beyond infrastructure 'operation'. Variations included reference to:

- a. Infrastructure 'development'¹⁹⁸
- b. 'Provision' of infrastructure¹⁹⁹
- c. 'Maintenance development and upgrading' of infrastructure²⁰⁰, wording that we note duplicates Policy 2 of the NPSET 2008.

208. In terms of how infrastructure should be described in the objective, again there were a number of suggestions. Some submissions sought that infrastructure provision be 'effective'²⁰¹, again reflecting wording in the NPSET 2008. Submission 635 also suggested that reference be made to safety. Lastly, and as already noted, submission 807 sought that reference be made to the timing of the infrastructure provision.

209. Mr Paetz recommended the following wording:

"Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District's existing infrastructure and the provision of new infrastructure to provide for community wellbeing."

210. We do not regard Mr Paetz's formulation as satisfactory. Aside from the absence of an environmental performance criterion and the fact that it is not framed as an outcome, the suggested division between existing and new infrastructure produces anomalies. Existing infrastructure might be operated, maintained and upgraded, but it is hard to see how it can be developed (by definition, if it exists, it has already been developed). Similarly, once provided, why should new infrastructure not be maintained and upgraded? The way in which community wellbeing is referenced also leaves open arguments as to whether it applies to existing infrastructure, or just to new infrastructure.

211. We also think that 'community wellbeing' does not capture the true role of, or justification for recognising, infrastructure. Submissions 806 and 807 suggested that reference be to infrastructure "that supports the existing and future community", which is closer to the mark, but rather wordy. We think that reference would more appropriately be to meeting community needs.

212. The RPS is too generally expressed to provide direction on these issues, but we take the view that the language of the NPSET 2008 provides a sensible starting point, compared to the alternatives suggested, given the legal obligation to implement the NPSET. Using the NPSET 2008 language and referring to 'effective' infrastructure also addresses the point in Submission 807 – effective infrastructure development will necessarily be timely. Lastly, while safety is important, we regard that as a prerequisite for all development, not just infrastructure.

213. Taking all of these considerations into account, we recommend that Objective 3.2.1.5 be renumbered 3.2.1.9 and revised to read:

"Infrastructure in the District that is operated, maintained developed and upgraded efficiently and effectively to meet community needs and which maintains the quality of the environment".

¹⁹⁸ Submission 251; Supported in FS1092, FS1097, FS1115, FS1117; Opposed in FS1132

¹⁹⁹ Submissions 635, 806, 807; Supported in FS 1159, Opposed in FS1077

²⁰⁰ Submission 805

²⁰¹ Submissions 635, 805; Supported in FS1159

214. Having recommended an objective providing generically for infrastructure, we do not recommend acceptance of the New Zealand Fire Service Commission submission²⁰² that sought a new objective be inserted into Section 3.2.1 providing for emergency services. While important, this can appropriately be dealt with in the more detailed provisions of the PDP.
215. In summary, having considered all of the objectives in its proposed Section 3.2.1, we consider them individually and collectively to be the most appropriate way in which to achieve the purpose of the Act as it relates to the economy of the District.

2.4. Section 3.2.2 Goal – Urban Growth Management

216. The second specified ‘goal’ read:

“The strategic and integrated management of urban growth”.

217. A number of submissions supported this goal in its current form. One submission in support²⁰³ sought that it be expanded to cover all growth within the district, not just urban growth.
218. One submission²⁰⁴ sought its deletion, without any further explanation. Another submission²⁰⁵ sought in relation to this goal, an acknowledgement that some urban development might occur outside the UGB.
219. A number of other submissions sought relief nominally in respect of the Section 3.2.2 goal that in reality relate to the more detailed objectives and policies in that section. We consider them as such.
220. Mr Paetz did not recommend any amendment to this goal.
221. The focus of the RPS previously discussed (on sustainable management of the built environment) is too generally expressed to provide direction in this context. The Proposed RPS focuses more directly on urban growth under Objective 4.5 (*“Urban growth and development is well-designed, reflects local character and integrates effectively with adjoining urban and rural environments”*). Policy 4.5.1 in particular supports this goal – it refers specifically to managing urban growth in a strategic and coordinated way.
222. Reverting to the submissions on it, we do not regard it as appropriate that this particular goal/high-level objective be expanded to cover all growth within the District. Growth within rural areas raises quite different issues to that in urban areas.
223. Nor do we accept Submission 807. The goal is non-specific as to where urban growth might occur. The submitter’s point needs to be considered in the context of the more detailed objectives and policies fleshing out this goal.
224. Accordingly, the only amendment we would recommend is to reframe this goal more clearly as a higher-level objective, as follows:

“Urban growth managed in a strategic and integrated manner.”

²⁰² Submission 438; Supported in FS1160

²⁰³ Submission 471; Supported in FS1092

²⁰⁴ Submission 294

²⁰⁵ Submission 807

225. We consider that a high-level objective in this form is the most appropriate way to achieve the purposes of the Act as it relates to urban growth.

2.5. Section 3.2.2 Objectives – Urban Growth Management

226. Objective 3.2.2.1 is the primary objective related to urban growth under what was goal 3.2.2. As notified it read:

“Ensure urban development occurs in a logical manner:

- a. To promote a compact, well designed and integrated urban form;*
- b. To manage the cost of Council infrastructure; and*
- c. To protect the District’s rural landscapes from sporadic and sprawling development.”*

227. Submissions on this objective sought variously:

- a. Its deletion²⁰⁶;
- b. Recognition of reverse sensitivity effects on significant infrastructure as another aspect of logical urban development²⁰⁷;
- c. Deletion of reference to logical development and to sporadic and sprawling development, substituting reference to “urban” development²⁰⁸;
- d. Removal of the implication that the only relevant infrastructure costs are Council costs²⁰⁹;
- e. Generalising the location of urban development (“*appropriately located*”) and emphasising the relevance of efficiency rather than the cost of servicing²¹⁰.

228. The version of this objective recommended by Mr Paetz in his reply evidence accepted the point that non-Council infrastructure costs were a relevant issue, but otherwise recommended only minor drafting changes.

229. In our view, consideration of this objective needs to take into account a number of other objectives in Chapter 3:

“3.2.2.2: Manage development in areas affected by natural hazards.”²¹¹

3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play;

3.2.6.1 Provide access to housing that is more affordable;

3.2.6.2 Ensure a mix of housing opportunities.

3.2.6.3 Provide a high quality network of open spaces and community facilities.”

230. Submissions on the above objectives sought variously:

- a. Deletion of Objective 3.2.2.2²¹²;

²⁰⁶ Submission 806

²⁰⁷ Submissions 271 and 805; Supported in FS1092, FS1121, FS1211, FS1340; Opposed in FS 1097 and FS1117

²⁰⁸ Submission 608; Opposed in FS1034

²⁰⁹ Submission 635

²¹⁰ Submissions 806 and 807

²¹¹ Although this could be read to apply to non-urban development in isolation, in the context of an urban development goal and a supporting policy focussed on managing higher density urban development, that is obviously not intended.

²¹² Submission 806

- b. Amendment of 3.2.6.1 so that it is more enduring and refers not just to housing, but also to land supply for housing²¹³;
 - c. Addition of reference in 3.2.6.1 to design quality²¹⁴;
 - d. Collapsing 3.2.6.1 and 3.2.6.2 together²¹⁵;
 - e. Amendment of 3.2.6.2 to refer to housing densities and typologies rather than opportunities²¹⁶;
 - f. Amendment to 3.2.6.3 to refer to community activities rather than community facilities if the latter term is not defined to include educational facilities²¹⁷.
231. Remarkably, for this part of the PDP at least, Objective 3.2.3.1 does not appear to have been the subject of any submissions, other than to the extent that it is caught by UCES's more general relief, seeking that Chapter 3 be deleted.
232. Mr Paetz did not recommend substantive changes to any of these objectives, other than to rephrase them as seeking an environmental outcome.
233. We have already noted some of the provisions of the RPS relevant to these matters. As in other respects, the RPS is generally expressed, so as to leave ample leeway in its implementation, but Policy 9.5.5 is worthy of mention here – it directs maintenance and where practicable enhancement of the quality of life within the build environment, which we regard as supporting Objective 3.2.3.1.
234. The Proposed RPS contains a number of provisions of direct relevance to this group of objectives. We have already noted Objective 4.5, which supports a focus on good design and integration, both within and without existing urban areas. Aspects of Policy 4.5.1 not already mentioned focus on minimising adverse effects on rural activities and significant soils, maintaining and enhancing significant landscape or natural character values, avoiding land with significant risk from natural hazards and ensuring efficient use of land. These provisions provide strong support for the intent underlying many of the notified objectives.
235. In our view, the matters covered by the group of PDP objectives we have quoted are so interrelated that they could and should be combined in one overall objective related to urban growth management.
236. In doing so, we recommend that greater direction be provided as to what outcome is sought in relation to natural hazards. Mr Paetz's recommended objective suggests that development in areas affected by natural hazards "*is appropriately managed*". This formulation provides no guidance to decision makers implementing the PDP. While the RPS might be considered equally opaque in this regard²¹⁸, the proposed RPS takes a more directive approach. Policy 4.5.1, as noted, directs avoidance of land with significant natural hazard risk. Objective 4.1 of the Proposed RPS states:

"Risk that natural hazards pose to Otago's communities are minimised."

²¹³ Submissions 513, 515, 522, 528, 531, 532, 534, 535, 537: Supported in FS1256, FS1286, FS1292, FS1322; Opposed in FS1071 and FS1120

²¹⁴ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

²¹⁵ Submission 806

²¹⁶ Submission 608: Opposed in FS1034

²¹⁷ Submission 524

²¹⁸ Refer Objective 11.4.2 and the policies thereunder

237. Having regard to these provisions (as we are bound to do), we recommend that the focus on natural hazard risk in relation to urban development similarly be on minimising that risk.
238. It is also relevant to note that the Proposed RPS also has an objective²¹⁹ seeking that Otago's communities "*are prepared for and are able to adapt to the effects of climate change*" and a policy²²⁰ directing that the effects of climate change be considered when identifying natural hazards. While the RPS restricts its focus on climate change to sea-level rise²²¹, which is obviously not an issue in this District, this is an area where we consider the Proposed RPS reflects a greater level of scientific understanding of the potential effects of climate change since the RPS was made operative²²².
239. As above, submissions focus on the reference to logical development. It is hard to contemplate that urban development should be illogical (or at least not intentionally so), but we recommend that greater guidance might be provided as to what is meant by a logical manner of urban development. Looking at Chapter 4, and the areas identified for urban development, one obvious common feature is that they build on historical urban settlement patterns (accepting that in some cases it is a relatively brief history), and we recommend that wording to this effect be inserted in this objective.
240. Lastly, consistent with our recommendation above, reference is required in this context to the interrelationship of urban development and infrastructure. Mr Paetz's suggested formulation (manages the cost of infrastructure) does not seem to us to adequately address the issue. First, the concept that costs would be managed provides no indication as to the end result – whether infrastructure costs will be high, low, or something in between. Secondly, while obviously not intended to do so (Mr Paetz suggests a separate objective and policy to deal with it), restricting the focus of the objective to the costs of infrastructure does not address all of the reverse sensitivity issues that both QAC and Transpower New Zealand Limited emphasised to us, the latter with reference to the requirements of the NPSET 2008.
241. The suggestion by Remarkables Park Ltd and Queenstown Park Ltd that the focus be on efficiency of servicing, while an improvement on '*managing*' costs, similarly does not get close to addressing reverse sensitivity issues.
242. We accordingly recommend that reference should be made to integration of urban development with existing and planned future infrastructure. While this is still reasonably general, the recommendations following will seek to put greater direction around what is meant.
243. We regard reference to community housing as being too detailed in this context and do not agree with the suggestion that sprawling and sporadic development is necessarily '*urban*' in character²²³. Mr Chris Ferguson²²⁴, suggested as an alternative to the relief sought, that the objective refer to "*urban sprawl development*", which from one perspective, would restrict the ambit of the protection the objective seeks for rural areas still further. Mr Ferguson relied on

²¹⁹ Objective 4.2.2

²²⁰ Policy 4.1.1(d)

²²¹ Policy 8.5.8

²²² As well as reflecting the legislative change to add section 7(i) to the Act

²²³ Depending of course on how '*urban development*' is defined. This is addressed in much greater detail below.

²²⁴ Giving planning evidence on the submission of Darby Planning LP

the fact that Mr Bird’s evidence referred to sprawling development, but not to sporadic development, in his evidence. However, Mr Bird confirmed in answer to our question that he regarded sporadic development in the rural areas as just as concerning as sprawling development. Accordingly, we do not accept Mr Ferguson’s suggested refinement of the relief the submission sought.

244. We likewise do not accept the alternative relief sought in Submission 529. We consider that the role of educational facilities is better dealt with in the definition section, as an aspect of community facilities, than by altering the objective to refer to community activities. Such an amendment would be out of step with the focus of the objective on aspects of urban development.

245. Finally, we consider all objectives and policies will be more readily understood (and more easily referred to in the future) if any lists within them are alphanumeric lists rather than bullet points. Such a change is recommended under Clause 16(2) and all our recommended objectives and policies reflect that change.

246. In summary, we recommend that Objective 3.2.2.1 be amended to read:

“Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;*
- b. build on historical urban settlement patterns;*
- c. achieve a built environment that provides desirable and safe places to live, work and play;*
- d. minimise the natural hazard risk, taking account of the predicted effects of climate change;*
- e. protect the District’s rural landscapes from sporadic and sprawling development;*
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*
- g. contain a high quality network of open spaces and community facilities; and*
- h. be integrated with existing, and planned future, infrastructure.”*

247. We consider that an objective in this form is the most appropriate way to expand on the high-level objective and to achieve the purpose of the Act as it relates to urban development.

2.6. Section 3.2.3 – Goal – Urban Character

248. As notified, the third goal read:

“A quality built environment taking into account the character of individual communities.”

249. A number of submissions supported this goal. One submission²²⁵ sought its deletion.

250. Mr Paetz did not recommend any change to this goal.

251. Recognition of the character of the built environment implements the generally expressed provisions of the RPS related to the built environment (Objective 9.4 and the related policies) already noted. A focus on local character is also consistent with objective 4.5 of the Proposed RPS.

²²⁵ Submission 807

252. While Mr Haworth’s criticism of it in his evidence for UCES (as being “*a bit waffly*” and “*obvious*”) is not wholly unjustified, we consider that there is a role for recognition of urban character as a high-level objective that is expanded on by more detailed objectives. The goal as notified is already expressed in the form of an objective. Accordingly, we recommend its retention with no amendment as being the most appropriate way to achieve the purpose of the Act.

2.7. Section 3.2.3 – Objectives – Urban Character

253. We have already addressed Objective 3.2.3.1 as notified and recommended that it be shifted into Section 3.2.2.

254. Objective 3.2.3.2 as notified, read:

“Protect the District’s cultural heritage values and ensure development is sympathetic to them.”

255. The submissions on this objective either seek its deletion²²⁶, or that protection of cultural heritage values be “*from inappropriate activities*”²²⁷.

256. Mr Paetz’s reply evidence recommended that the objective be framed as:

“Development is sympathetic to the District’s cultural heritage values.”

257. Reference to cultural heritage includes both Maori and non-Maori cultural heritage. The former is, however, already dealt with in Section 3.2.7 and we had no evidence that non-Maori cultural heritage expands beyond historic heritage, so we recommend the objective be amended to focus on the latter.

258. Historic heritage is not solely an urban development issue, and so this should remain a discrete objective of its own, if retained, rather than being amalgamated into Objective 3.2.3.1.

259. Consideration of this issue comes against a background where Policy 9.5.6 of the RPS directs recognition and protection of Otago’s regionally significant heritage sites through their identification in consultation with communities and development of means to ensure they are protected from inappropriate subdivision, use and development. Both the language and the intent of this policy clearly reflects section 6(f) of the Act, requiring that the protection of historic heritage from inappropriate subdivision, use and development be recognised and provided for, without taking the provisions of the Act much further.

260. The Proposed RPS provides rather more direction with a policy²²⁸ that the values and places and areas of historic heritage be protected and enhanced, among other things by avoiding adverse effects on those values that contribute to the area or place being of regional or national significance, and avoiding significant adverse effects on other values of areas and places of historic heritage.

261. Taking the provisions of the RPS and the Proposed RPS on board, deletion of this objective, at least as it relates to historic heritage, clearly cannot be recommended. The guidance from *King Salmon* as to the ordinary natural meaning of “*inappropriate*” in the context of a provision

²²⁶ Submission 806

²²⁷ Submissions 607, 615, 621 and 716: Supported in FS1105, FS1137 and FS1345

²²⁸ Policy 5.2.3

providing for protection of something inappropriate from subdivision use and development means that the objective, with or without reference to inappropriate development, would go further (be more restrictive) than implementation of the RPS or consistency with the Proposed RPS would require. However, we do not think that Mr Paetz's suggested wording referring to sympathetic development (on its own) is clear enough to endorse.

262. In summary, we recommend that the objective be reworded as follows:

"The District's important historic heritage values are protected by ensuring development is sympathetic to those values."

263. Taking account of the objectives recommended to be included in Section 3.2.2, we consider that this objective is the most appropriate way to achieve the purpose of the Act as it relates to urban character.

2.8. Section 3.2.4 – Goal – Natural Environment

264. As notified, this goal read:

"The protection of our natural environment and ecosystems".

265. A number of submissions supported this goal. Two submissions opposed it²²⁹. Of those, Submission 806 sought its deletion (along with the associated objectives and policies).

266. Mr Paetz did not recommend any amendment to this goal.

267. Even as a high-level aspirational objective, the protection of all aspects of the natural environment and ecosystems is unrealistic and inconsistent with Objective 3.2.1. Nor does the RPS require such an ambitious overall objective - Objective 10.4.2 for instance seeks protection of natural ecosystems (and primary production) *"from significant biological and natural threats"*. Objective 10.4.3 seeks the maintenance and enhancement of the natural character of areas *"with significant indigenous vegetation and significant habitats of indigenous fauna"*.

268. The Proposed RPS addresses the same issue in a different way, focussing on the "values" of natural resources (and seeking they be maintained and enhanced²³⁰).

269. We consider it would therefore be of more assistance if some qualitative test were inserted so as to better reflect the direction provided at regional level (and Part 2 of the Act). Elsewhere in the PDP, reference is made to *'distinctive'* landscapes and this is an adjective we regard as being useful in this context. The more detailed objectives provide clarity as to what might be considered *'distinctive'* and the extent of the protection envisaged.

270. Accordingly, we recommend that this goal/high-level objective be reframed as follows:

"The distinctive natural environments and ecosystems of the District are protected."

271. We consider this is the most appropriate way to achieve the purpose of the Act in the context of a high-level objective related to the natural environment and ecosystems.

²²⁹ Submissions 806 and 807

²³⁰ Proposed RPS, Objective 3.1

2.9. Section 3.2.4 – Objectives – Natural Environment

272. Objective 3.2.4.1 as notified, read as follows:

“Promote development and activities that sustain or enhance the life supporting capacity of air, water, soils and ecosystems.”

273. The RPS has a number of objectives seeking maintenance and enhancement, or alternatively safeguarding of life supporting capacity of land, water and biodiversity²³¹, reflecting the focus on safeguarding life supporting capacity in section 5 of the Act. In relation to fresh water and aquatic ecosystems, the NPSFM 2014 similarly has that emphasis. The Proposed RPS, by contrast, does not have the same focus on life supporting capacity, or at least not directly so. The combination of higher order provisions, however, clearly supports the form of this objective.

274. The only submissions on the objective either support the objective as notified²³², or seek that it be expanded to refer to maintenance of indigenous biodiversity²³³.

275. Mr Paetz recommended that the latter submission be accepted and reframing the objective to pitch it as environmental outcome, his version as attached to his reply evidence reads as follows:

“Ensure development and activities maintain indigenous biodiversity, and sustain or enhance the life supporting capacity of air, water, soil and ecosystems.”

276. So framed, the objective still starts with a verb and therefore, arguably, states a course of action (policy) rather than an environmental outcome.

277. It might also be considered that shifting the ‘policy’ from promoting an outcome to ensuring it occurs is a significant substantive shift that is beyond the scope of the submissions as above.

278. We accordingly recommend that this objective be reframed as follows:

“Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.”

279. Objective 3.2.4.2 as notified read:

“Protect areas with significant Nature Conservation Values”.

280. Submissions on this objective included requests for:

- a. Expansion to apply to significant waterways²³⁴;
- a. Substitution of reference to the values of Significant Natural Areas²³⁵;
- b. Amendment to protect, maintain and enhance such areas²³⁶;

²³¹ RPS, Objectives 5.4.1, 6.4.3, 10.4.1..

²³² Submissions 600, 755: Supported in FS1209; Opposed in FS1034 – noting the discussion above regarding the efficacy of further submissions opposing submissions that support the notified provisions of the PDP

²³³ Submissions 339, 706: Opposed in FS1097, FS1162 and FS1254

²³⁴ Submission 117

²³⁵ Submission 378: Opposed in FS1049 and FS1095

²³⁶ Submission 598: Supported in FS1287; Opposed in FS1040

- c. Addition of reference to appropriate management as an alternative to protection²³⁷.
281. The version of this objective recommended by Mr Paetz in his reply evidence is altered only to express it as an environmental outcome.
282. Objective 10.4.3 of the RPS, previously noted, might be considered relevant to (and implemented by) this objective²³⁸.
283. As above, we recommend that the definition of ‘*Nature Conservation Values*’ be clarified to remove policy elements and our consideration of this objective reflects that revised definition. We do not consider it is necessary to specifically state that areas with significant nature conservation values might be waterways. We likewise do not recommend reference to ‘*appropriate management*’, since that provides no direction to decision-makers implementing the PDP.
284. However, we have previously recommended that maintenance of significant Nature Conservation Values be part of the objective relating both to agricultural land uses in rural areas and to diversification of existing activities. As such, we regard this objective as duplicating that earlier provision and unnecessary. For that reason²³⁹, we recommend that it be deleted.
285. Objective 3.2.4.3 as notified (and as recommended by Mr Paetz) read:
- “Maintain or enhance the survival chances for rare, endangered or vulnerable species of indigenous plant or animal communities”.*
286. Submissions specifically on this point included:
- Seeking that reference to be made to significant indigenous vegetation and significant habitats of indigenous fauna rather than as presently framed²⁴⁰;
 - Support for the objective in its current form²⁴¹;
 - Amendment to make the objective subject to preservation of the viability of farming in rural zones²⁴².
287. The reasons provided in Submission 378 are that the terminology used should be consistent with section 6 of the RMA.
288. While, as above, we do not regard the terminology of the Act²⁴³ as a panacea, on this occasion, the submitter may have a point. While significant areas of indigenous vegetation and significant habitats of indigenous fauna are matters the implementation of the PDP can affect (either positively or negatively), the survival chances of indigenous plant or animal communities will likely depend on a range of factors, some able to be affected by the PDP, and some not. Moreover, any area supporting rare, endangered, or vulnerable species will, in our view, necessarily have significant nature conservation values, as defined. Accordingly, for the same reasons as in relation to the previous objective, this objective duplicates provisions we

²³⁷ Submission 600: Supported in FS1097 and FS1209; Opposed in FS1034, FS1040 and FS1080

²³⁸ See also the Proposed RPS, Policy 3.1.9, which has a ‘maintain or enhance’ focus.

²³⁹ Consistent with the Real Journeys submission noted above

²⁴⁰ Submission 378: Supported in FS1097; Opposed in FS1049 and FS1095

²⁴¹ Submissions 339, 373, 600 and 706: Opposed in FS1034, FS1162, FS1209, FS1287 and FS1347

²⁴² Submission 701: Supported in FS1162

²⁴³ Or indeed of the RPS, which uses the same language at Objective 10.4.3

have recommended above. It might also be considered to duplicate Objective 3.2.4.1, as we have recommended it be revised, given that maintenance of indigenous biodiversity will necessarily include rare, endangered, or vulnerable species of indigenous plant or animal communities.

289. For these reasons, we recommend that this objective be deleted.

290. Objective 3.2.4.4 as notified, read:

“Avoid exotic vegetation with the potential to spread and naturalise.”

291. Submissions on it varied from:

- a. Support for the wording notified²⁴⁴;
- b. Amendment to refer to avoiding or managing the effects of such vegetation²⁴⁵;
- c. Amendment to *“reduce wilding tree spread”*²⁴⁶.

292. Submission 238²⁴⁷ approached it in a different way, seeking an objective focussing on promotion of native planting.

293. The thrust of the submissions in the last two categories listed above was on softening the otherwise absolutist position in the notified objective and Mr Paetz similarly recommended amendments to make the provisions less absolute.

294. The version of the objective he recommended with his reply evidence read:

“Avoid the spread of wilding exotic vegetation to protect nature conservation values, landscape values and the productive potential of land.”

295. We have already noted the provisions of the RPS and the Proposed RPS which, in our view, support the intent underlying this objective. Policy 10.5.3 of the RPS (seeking to reduce and where practicable eliminate the adverse effects of plant pests) might also be noted²⁴⁸.

296. The section 32 report supporting Chapter 3²⁴⁹ records that the spread of wilding exotic vegetation, particularly wilding trees, is a significant problem in this District. In that context, an objective focusing on reduction of wilding tree spread or ‘*managing*’ its effects appears an inadequate objective to aspire to.

297. We agree that the objective should focus on the outcome sought to be addressed, namely the spread of wilding exotic vegetation, rather than what should occur instead. However, we see no reason to complicate the objective by explaining the rationale for an avoidance position. Certainly, other objectives are not written in this manner.

298. Lastly, we recommend rephrasing the objective in line with the revised style recommended throughout. The end result (renumbered 3.2.4.2) would be:

²⁴⁴ Submissions 289, 373: Opposed in FS1091 and FS1347

²⁴⁵ Submission 590 and 600: Supported in FS1132 and FS 1209; Opposed in FS1034 and FS1040

²⁴⁶ Submission 608; Opposed in FS1034

²⁴⁷ Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

²⁴⁸ Refer also Proposed RPS, Policy 5.4.5 providing for reduction in the spread of plant pests.

²⁴⁹ Section 32 Evaluation Report- Strategic Direction at page 9

“The spread of wilding exotic vegetation is avoided.”

299. Objective 3.2.4.5 as notified read:

“Preserve or enhance the natural character of the beds and margins of the District’s lakes, rivers and wetlands.”

300. A number of submissions sought that the effect of the objective be softened by substituting “maintain” for “preserve”²⁵⁰.

301. Some submissions sought that reference to biodiversity values be inserted²⁵¹.

302. Some submissions sought deletion of reference to enhancement and inclusion of protection from inappropriate subdivision, use and development²⁵².

303. Mr Paetz did not recommend any change to the notified objective.

304. The origins of this objective are in section 6(a) of the Act which we are required to recognise and provide for and which refers to the ‘preservation’ of these areas of the environment, and the protection of them from inappropriate subdivision, use and development.

305. Objective 6.4.8 of the RPS is relevant on this aspect – it has as its object: “to protect areas of natural character...and the associated values of Otago’s wetlands, lakes, rivers and their margins”.

306. By contrast, Policy 3.1.2 of the proposed RPS refers to managing the beds of rivers and lakes, wetlands, and their margins to maintain or enhance natural character.

307. The combination of the RPS and proposed RPS supports the existing wording rather than the alternatives suggested by submitters. While section 6(a) of the Act would on the face of it support insertion of reference to inappropriate subdivision, use and development, given the guidance we have from the Supreme Court in the *King Salmon* litigation as to the meaning of that phrase, we do not consider that either regional document is inconsistent with or fails to recognise and provide for the matters specified in section 6(a) on that account. We also do not consider that reference to biodiversity values is necessary given that this is already addressed in recommended Objective 3.2.4.1.

308. The RPS (and section 6(a) of the Act) would also support (if not require) expansion of this objective to include the water above lake and riverbeds²⁵³, but we regard this as being addressed by Objective 3.2.4.6 (to the extent it is within the Council’s functions to address).

309. Accordingly, the only recommended amendment is to rephrase this as an objective (renumbered 3.2.4.3), in line with the style adopted above, as follows:

“The natural character of the beds and margins of the District’s lakes, rivers and wetlands is preserved or enhanced.”

²⁵⁰ See e.g. Submissions 607, 615, 621, 716: Supported in FS 1097, FS1105, FS 1137 and FS1345

²⁵¹ Submissions 339, 706: Opposed in FS 1015, FS1162, FS1254 and FS 1287

²⁵² Submissions 519, 598: Supported in FS 1015 and FS1287: Opposed in FS1356

²⁵³ See also the Water Conservation (Kawarau) Order 1997, to the extent that it identifies certain rivers in the District as being outstanding by reason of their naturalness.

310. Objective 3.2.4.6 as notified read:

“Maintain or enhance the water quality and function of our lakes, rivers and wetlands.”

311. A number of submissions supported the objective as notified. The only submission seeking a substantive amendment, sought to delete reference to water quality²⁵⁴.

312. A focus on maintaining or enhancing water quality is consistent with Objective A2 of the NPSFM 2014, which the Council is required to give effect to. While that particular objective refers to overall quality, the decision of the Environment Court in *Ngati Kahungunu Iwi Authority v Hawkes Bay Regional Council*²⁵⁵ does not suggest that any great significance can be read into the use of the word ‘overall’.

313. Similarly, while the policies of the NPSFM 2014 are directed at actions to be taken by Regional Councils, where land uses (and activities on the surface of waterways) within the jurisdiction of the PDP, impinge on water quality, we think that the objectives of the NPSFM 2014 must be given effect by the District Council as well.

314. One might also note Objective 6.4.2 of the RPS, that the Council is also required to give effect to, and which similarly focuses on maintaining and enhancing the quality of water resources.

315. Accordingly, we do not recommend deletion of reference to water quality in this context. The only amendment that is recommended is stylistic in nature, to turn it into an objective (renumbered 3.2.4.4) as follows:

“The water quality and functions of the District’s lakes, rivers and wetlands is maintained or enhanced.”

316. Objective 3.2.4.7 as notified read:

“Facilitate public access to the natural environment.”

317. Submissions on this objective included:

- a. Support for the objective as is²⁵⁶;
- b. Seeking that *“maintain and enhance”* be substituted for *“facilitate”* and emphasising public access *‘along’* rivers and lakes²⁵⁷;
- c. Inserting a link to restrictions on public access created by a subdivision or development²⁵⁸;
- d. Substituting *“recognise and provide for”* for *“facilitate”*²⁵⁹.

318. Mr Paetz in his reply evidence recommended no change to this particular objective.

319. To the extent that there is a difference between facilitating something and maintaining or enhancing it (any distinction might be seen to be rather fine), the submissions seeking that

²⁵⁴ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040.

²⁵⁵ [2015] NZEnvC50

²⁵⁶ Submissions 378, 625, 640: Opposed in FS1049, FS1095 and FS1347

²⁵⁷ Submissions 339, 706: Supported in FS1097, Opposed in FS1254 and FS1287

²⁵⁸ Submission 600: Supported in FS1209, Opposed in FS1034

²⁵⁹ Submission 806

change were on strong ground given that Objective 6.4.7 of the RPS (and section 6(d) of the Act) refers to maintenance and enhancement of public access to and along lakes and rivers. We do not think, however, that specific reference is required to lakes and rivers, since they are necessarily part of the natural environment.

320. We reject the suggestion that the objective should “*recognise and provide for*” public access, essentially for the reasons set out above²⁶⁰.
321. In addition, while in practice, applications for subdivision and development are likely to provide the opportunity to enhance public access to the natural environment, we do not think that the objective should be restricted to situations where subdivision or development will impede existing public access. Any consent applicant can rely on the legal requirement that consent conditions fairly and reasonably relate to the consented activity²⁶¹ to ensure that public access is not sought in circumstances where access has no relationship to the subject-matter of the application.
322. Lastly, the objective requires amendment in order that it identifies an environmental outcome sought.
323. In summary, we recommend that this objective (renumbered 3.2.4.5) be amended to read:
- “Public access to the natural environment is maintained or enhanced.”*
324. Objective 3.2.4.8 as notified read:
- “Respond positively to Climate Change”.*
325. Submissions on it included:
- a. General support²⁶²;
 - b. Seeking its deletion²⁶³;
 - c. Seeking amendment to focus more on the effects of climate change²⁶⁴.
326. Mr Paetz recommended in his reply evidence that the objective remain as notified.
327. As already noted, the RPS contains a relatively limited focus on climate change, and might in that regard be considered deficient given the terms of section 7(i) of the Act (added to the Act after the RPS was made operative). The Proposed RPS contains a much more comprehensive suite of provisions on climate change and might, we believe, be regarded as providing rather more reliable guidance. The focus of the Proposed RPS, consistently with section 7(i), is clearly on responding to the effects of climate change. As the explanation to Objective 4.2 records, “*the effects of climate change will result in social, environmental and economic costs, and in some circumstances benefits*”. The Regional Council’s view, as expressed in the Proposed RPS, is that that change needs to be planned for.

²⁶⁰ Paragraph 58ff above

²⁶¹ Refer *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 and the many cases following it in New Zealand

²⁶² Submissions 117, 339, 708: Opposed in FS 1162

²⁶³ Submission 807

²⁶⁴ Submissions 598, 806 and 807 (in the alternative): Supported in FS1287; Opposed in FS1034

328. Against that background, we had difficulty understanding exactly what the outcome is that this objective is seeking to achieve. The sole suggested policy relates to the interrelationship of urban development policies with greenhouse gas emission levels, and their contribution to global climate change. As such, this objective appears to be about responding positively to the causes of global climate change, rather than responding to its potential effects.
329. At least since the enactment of the Resource Management (Energy and Climate Change) Amendment Act 2004, the focus of planning under the Act has been on the effects of climate change rather than on its causes.
330. It also appeared to us that to the extent that the PDP could influence factors contributing to global climate change, other objectives (and policies) already address the issue.
331. Accordingly, as suggested by some of the submissions noted above, and consistently with both the Proposed RPS and section 7(i) of the Act, the focus of District Plan provisions related to climate change issues should properly be on the effects of climate change. The most obvious area²⁶⁵ where the effects of climate change are relevant to the final form of the District Plan is in relation to management of natural hazards. We have already discussed how that might be incorporated into the high level objectives of Chapter 3. While there are other ways in which the community might respond to the effects of climate change, these arise in the context of notified Policy 3.2.1.3.2. We consider Objective 3.2.4.8 is unclear and adds no value. While it could be amended as some submitters suggest, to focus on the effects of climate change, we consider that this would duplicate other provisions addressing the issues more directly. In our view, the better course is to delete it.
332. In summary, we consider that the objectives recommended for inclusion in Section 3.2.4 are individually and collectively the most appropriate way to achieve the purpose of the Act as it relates to the natural environment and ecosystems.

2.10. Section 3.2.5 Goal – Landscape Protection

333. As notified, this goal read:

“Our distinctive landscapes are protected from inappropriate development.”

334. A number of submissions supported this goal.
335. Submissions seeking amendment to it sought variously:
 - a. Amendment to recognise the operational and locational constraints of infrastructure²⁶⁶.
 - a. Substitution of reference to the values of distinctive landscapes²⁶⁷.
 - b. Substitution of reference to the values of ‘*outstanding*’ landscapes and insertion of reference to the adverse effects of inappropriate development on such values²⁶⁸.
336. A number of submissions also sought deletion of the whole of Section 3.2.5.
337. Mr Paetz did not recommend any amendment to this goal.

²⁶⁵ See Submission 117 in this regard

²⁶⁶ Submissions 251, 433: Supported in FS1029, FS1061 and FS1085

²⁶⁷ Submission 807

²⁶⁸ Submission 806

338. The RPS focuses on outstanding landscapes²⁶⁹, reflecting in turn the focus of section 6(b) of the Act. The Proposed RPS, however, has policies related to both outstanding and highly valued landscapes, with differing policy responses depending on the classification, within the umbrella of Objective 3.2 seeking that significant and highly-valued natural resources be identified, and protected or enhanced.
339. Like the Proposed RPS, the subject matter of Section 3.2.5 is broader than just the outstanding natural landscapes of the District. Accordingly, it would be inconsistent to limit the higher-level objective to those landscapes.
340. For the same reason, a higher-level objective seeking the protection of both outstanding natural landscapes and lesser quality, but still distinctive, landscapes goes too far, even with the qualification of reference to inappropriate development. As discussed earlier in this report, given the guidance of the Supreme Court in *King Salmon* as to the correct interpretation of qualifications based on reference to inappropriate subdivision use and development, it is questionable whether reference to inappropriate development in this context adds much. To that extent, we accept the point made in legal submissions for Trojan Helmet Ltd that section 6 and 7 matters should not be conflated by seeking to protect all landscapes.
341. The suggestion in Submissions 806 and 807 that reference might be made to the values of the landscapes in question is one way in which the effect of the goal/higher-level objective could be watered down. But again, this would be inconsistent with objectives related to outstanding natural landscapes, which form part of Section 3.2.5.
342. We recommend that these various considerations might appropriately be addressed if the goal/higher order objective were amended to read:
- “The retention of the District’s distinctive landscapes.”*
343. We consider that this is the most appropriate way to achieve the purpose of the Act in the context of a high-level objective related to landscapes.

2.11. Section 3.2.5 Objectives - Landscapes

344. Objective 3.2.5.1 as notified read:
- “Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.”*
345. This objective and Objective 3.2.5.2 following it (related to non-outstanding rural landscapes) attracted a large number of submissions, and evidence and submissions on them occupied a substantial proportion of the Stream 1B hearing. The common theme from a large number of those submitters and their expert witnesses was that Objective 3.2.5.1 was too protective of ONLs in particular, too restrictive of developments in and affecting ONLs, and would frustrate appropriate development proposals that are important to the District’s growth²⁷⁰.
346. Some suggested that the objective as notified would require that all subdivision use and development in ONLs and ONFs be avoided.²⁷¹ If correct, that would have obvious costs to the

²⁶⁹ RPS, Objectives 5.4.3, 6.4.8

²⁷⁰ See e.g. Mr Jeff Brown’s evidence at paragraph 2.3.

²⁷¹ E.g. Ms Louise Taylor, giving evidence for Matukituki Trust

District's economy and to future employment opportunities that would need to be carefully considered.

347. As already noted, a number of submissions sought the deletion of the entire Section 3.2.5²⁷². As regards Objective 3.2.5.1, many submitters sought reference be inserted to "*inappropriate*" subdivision, use and development²⁷³.
348. One submitter combined that position with seeking that adverse effects on natural character of ONLs and ONFs be avoided, remedied or mitigated, as opposed to their being protected²⁷⁴.
349. Another suggestion was that the objective be broadened to refer to landscape values and provide for adverse effects on those values to be avoided, remedied or mitigated²⁷⁵.
350. The Council's corporate submission sought specific reference to indigenous flora and fauna be inserted into this objective²⁷⁶.
351. Submission 810²⁷⁷ sought a parallel objective (and policy) providing for protection and mapping of wāhi tupuna.
352. The more general submissions²⁷⁸ seeking provision for infrastructure also need to be kept in mind in this context.
353. In his Section 42A Report, Mr Paetz sought to identify the theme underlying the submissions on this objective by recommending that it be amended to read:
- "Protect the quality of the Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development."*
354. His reasoning was that a focus solely on the natural character of ONLs and ONFs was unduly narrow and not consistent with "*RMA terminology*". He did not, however, recommend acceptance of the many submissions seeking insertion of the word '*inappropriate*' essentially because it was unnecessary – "*in saying 'Protect the quality of the outstanding natural landscapes and outstanding natural features from subdivision, use and development', the 'inappropriate' test is implicit i.e. Development that does not protect the quality will be inappropriate.*"²⁷⁹
355. By his reply evidence, Mr Paetz had come round to the view that the submitters on the point (and indeed many of the planning witnesses who had given evidence) were correct and that the word '*inappropriate*' ought to be added. He explained his shift of view on the basis that

²⁷² E.g. Submissions 632, 636, 643, 669, 688, 693, 702: Supported in FS1097; Opposed in FS1219, FS1252, FS1275, FS1283 and FS1316

²⁷³ E.g. Submissions 355, 375, 378, 502, 519, 581, 598, 607, 615, 621, 624, 716, 805: Supported in FS1012, FS1015, FS1097, FS1117, FS1137, FS1282 and FS1287; Opposed in FS1049, FS1095 FS1282, FS1320 and FS1356

²⁷⁴ Submission 519: Supported in FS1015, FS1097 and FS1117; Opposed in FS1282 and 1356

²⁷⁵ Submissions 806 and 807

²⁷⁶ Submission 809: Opposed in FS1097

²⁷⁷ Supported in FS1098; Opposed in FS1132

²⁷⁸ Submissions 251 and 433: Supported in FS1029, FS1061 and FS1085

²⁷⁹ Section 42A Report at 12,103

that amendment would enable applicants “to make their case on the merits in terms of whether adverse impacts on ONFs or ONLs, including component parts of them, is justified”²⁸⁰.

356. Mr Paetz’s Section 42A Report reflects the decision of the Supreme Court in the *King Salmon* litigation previously noted. His revised stance in his reply evidence implies that the scope of appropriate subdivision, use and development in the context of an objective seeking protection of ONLs and ONFs from inappropriate subdivision, use and development is broader than that indicated by the Supreme Court.
357. The legal basis for Mr Paetz’s shift in position is discussed in the reply submissions of counsel for the Council. Counsel’s reply submissions²⁸¹ emphasize the finding of the Supreme Court that section 6 does not give primacy to preservation or protection and draws on the legal submissions of counsel for the Matukituki Trust to argue that a protection against ‘*inappropriate*’ development is not necessarily a protection against any development, but that including reference to it allows a case to be made that development is appropriate.
358. This in turn was argued to be appropriate in the light of the extent to which the district has been identified as located within an ONL or ONF (96.97% based on the notified PDP maps).
359. Although not explicitly saying so, we read counsel for the Council’s reply submissions as supporting counsel for a number of submitters who urged us to take a ‘*pragmatic*’ approach to activities within or affecting ONLs or ONFs²⁸².
360. Counsel for Peninsula Bay Joint Venture²⁸³ argued also ²⁸⁴ that Objective 3.2.5.1 failed to implement the RPS because the relevant objective in that document²⁸⁵ refers to protection of ONLs and ONFs “*from inappropriate subdivision, use and development*”.
361. We agree that the objectives and policies governing ONFs and ONLs are of critical importance to the implementation of the PDP. While as at the date of the Stream 1B hearing, submissions on the demarcation of the ONLs and ONFs had yet to be heard, it was clear to us that a very substantial area of the district would likely qualify as either an ONL or an ONF. Dr Marion Read told us that this District was almost unique because the focus was on identifying what landscapes are not outstanding, rather than the reverse. As above, Council staff quantified the extent of ONLs and ONFs mapped in the notified PDP as 96.97%²⁸⁶.
362. Given our recommendation that there should be a strategic chapter giving guidance to the implementation of the PDP as a whole, the objective in the strategic chapter related to activities affecting ONLs and ONFs is arguably the most important single provision in the PDP.
363. For precisely this reason, we consider that this objective needs to be robust, in light of the case law and the evidence we heard, and clear as to what outcome is being sought to be achieved.

²⁸⁰ M Paetz, Reply Evidence at 5.23.

²⁸¹ At 6.6

²⁸² Mr Goldsmith for instance (appearing for Ayrburn Farms Ltd, Bridesdale Farms Ltd, Mt Cardrona Station) observed that elements of the existing planning regime for ONL’s exhibited a desirable level of pragmatism.

²⁸³ Submission 378

²⁸⁴ Written submissions at paragraph 32

²⁸⁵ Objective 5.4.3

²⁸⁶ See QLDC Memorandum Responding to Request for Further Information Streams 1A & 1B, Schedule 3

364. The starting point is that, as already noted, the Supreme Court in *King Salmon* found that:
- “We consider that where the term ‘inappropriate’ is used in the context of protecting areas from inappropriate subdivision, use or development, the natural meaning is that ‘inappropriateness’ should be assessed by reference to what it is that is sought to be protected.”²⁸⁷*
365. When we discussed the matter with Mr Gardner-Hopkins, at that point acting as counsel for Kawarau Jet Services, he agreed that we were duty bound to apply that interpretation, but having said that, in his submission, the point at which effects tip into being inappropriate takes colour from the wider policy framework and factual analysis.
366. That response aligns with the Environment Court’s decision in *Calveley v Kaipara DC*²⁸⁸ that Ms Hill²⁸⁹ referred us to. That case concerned both a resource consent appeal and an appeal on a plan variation. In the context of the resource consent appeal, the Environment Court emphasised that when interpreting the meaning of *“inappropriate subdivision, use and development”* in a particular plan objective, it was necessary to consider the objective in context (in particular in the context of the associated policy seeking to implement it). In that case, the policy supported an interpretation of the objective that was consistent with the natural and ordinary meaning identified by the Supreme Court in *King Salmon*, as above. However, as the Environment Court noted, neither the objective nor the policy suggested that subdivision development inevitably must be inappropriate. The Court found²⁹⁰ that both the objective and policy recognised the potential for sensitively designed and managed developments to effectively protect ONL values and characteristics.
367. In that regard, it is worth noting that the Supreme Court in *King Salmon* likewise noted that a protection against *‘inappropriate’* development is not necessarily protection against *‘any’* development, but rather it allows for the possibility that there may be some forms of *‘appropriate’* development²⁹¹. That comment was made in the context of the Supreme Court’s earlier finding as to what inappropriate subdivision, use and development was, as above.
368. Ultimately, though, we think that the *Calveley* decision is of peripheral assistance because the issue we have to confront is whether this particular objective should refer to protection of ONLs and ONFs from inappropriate subdivision, use and development. The wording of the policy seeking to implement the objective is necessarily consequential on that initial recommendation. Accordingly, while we of course accept the Environment Court’s guidance that a supporting policy might assist in the interpretation of the objective, the end result is somewhat circular given that we also have to recommend what form the supporting policy(ies) should take.
369. We should note that Ms Hill also referred us to the Board of Inquiry decision on the Basin Bridge Notice of Requirement, but we think that the Board of Inquiry’s decision does not particularly assist in our inquiry other than to the extent that the Board recorded its view that

²⁸⁷ [2016] NZSC38 at [101]

²⁸⁸ [2014] NZEnvC 182

²⁸⁹ Counsel for Ayrburn Farm Estate Limited, Bridesdale Farm Developments Limited, Shotover Country Limited, Mt Cardrona Station Limited

²⁹⁰ At [132]

²⁹¹ *King Salmon* at [98]

it was obliged by the Supreme Court's decision to approach and apply Part 2 of the Act having regard to the natural meaning of "inappropriate" as above²⁹².

370. Objective 5.4.3 of the RPS that the PDP is required to implement (absent invalidity, incompleteness or ambiguity) seeks:

"To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development."

371. Objective 5.4.3 is expressed in almost exactly the same terms as section 6(b) of the Act. There is accordingly no question (in our view) that the RPS is completely consistent with Part 2 of the Act in this regard. It also means that cases commenting on the interpretation of section 6(b), and indeed the other subsections using the same phraseology, are of assistance in interpreting the RPS. In that regard, while, as the Environment Court in *Calveley* has noted, the term "inappropriate" might take its meaning in plans from other provisions that provide the broader context, in the context of both RPS Objective 5.4.3 and section 6, 'inappropriate' should clearly be interpreted in the manner that the Supreme Court has identified²⁹³.

372. As counsel for the Council noted in their reply submissions, the Supreme Court stated that section 6 does not give primacy to preservation or protection. We think however, that Counsel's submissions understate the position, because what the Supreme Court actually said was:

*"Section 6 does not, we agree, give primacy to preservation or protection; it simply means that provision must be made for preservation and protection as part of the concept of sustainable management."*²⁹⁴

373. The Supreme Court went on from that statement to say that a Plan could give primacy for preservation or protection and in the Court's view, that was what the NZCPS policies at issue had done.

374. The point that has troubled us is how in practice one could make provision for the protection, in this case of ONLs and ONFs, whether as part of the concept of sustainable management (or as implementing Objective 5.4.3), without actually having an objective seeking that ONLs and ONFs be protected. We discussed this point with Mr Gardner-Hopkins²⁹⁵ who submitted that while there has to be an element of protection and preservation of ONLs in the PDP, we had some discretion as to where to set the level of protection. Mr Gardner-Hopkins noted that the Supreme Court had implied that there were environmental bottom lines in Part 2, but that they were somewhat "saggy" in application.

375. We think that counsel may have been referring in this regard to the discussion at paragraph [145] of the Supreme Court's decision in which the Court found that even in the context of directive policies requiring avoidance of adverse effects, it was improbable that it would be necessary to prohibit an activity that has a minor or transitory adverse effect, even where the natural character sought to be preserved was outstanding.

²⁹² *Final report and decision of the Board of Inquiry into the Basin Bridge Proposal* at paragraph [188](c)

²⁹³ As the Basin Bridge Board of Inquiry found

²⁹⁴ *King Salmon* at [149]

²⁹⁵ At this point appearing for the Matukituki Trust

376. We think, therefore, that we would be on strong ground to provide in Objective 3.2.5.1, that ONLs and ONFs should be protected from adverse effects that are more than minor and/or not temporary in duration²⁹⁶. This approach would also meet the concern of a number of parties that the objective should not indicate or imply that all development in ONLs and ONFs is precluded²⁹⁷.
377. Based on our reading of the Supreme Court's decision in *King Salmon* however, if the adverse effects on ONLs and ONFs are more than minor and/or not temporary, it is difficult to say that the ONL or ONF, as the case may be, is being protected. Similarly, if the relevant ONL or ONF is not being protected, it is also difficult to see how any subdivision, use or development could be said to be 'appropriate'.
378. Even if we are wrong, and *King Salmon* is not determinative on the ambit of 'inappropriate subdivision use and development', we also bear in mind the general point we made above, based on the guidance of the Environment Court in its ODP decision C74/2000 at paragraph [10] that it was not appropriate to leave these policy matters for Council to decide on a case by case basis.
379. We do not accept the argument summarised above that was made for Peninsula Bay Joint Venture that because the RPS objective refers to inappropriate subdivision, use and development, so too must Objective 3.2.5.1. The legal obligation on us is to give effect to the RPS²⁹⁸. The Supreme Court decision in *King Salmon* confirms that that instruction means what it says. The Supreme Court has also told us, however, that saying that ONL's must be protected from inappropriate subdivision, use and development does not create an open-ended discretion to determine whether subdivision, use and development is 'appropriate' on a case-by-case basis. By contrast, it has held that any discretion is tightly controlled and must be referenced back to protection of the ONL or ONF concerned. Accordingly, omitting reference to inappropriate subdivision, use and development does not in our view fail to give effect to the RPS, because it makes no substantive difference to the outcome sought.
380. The Proposed RPS approaches ONLs and ONFs in a slightly different way. Policy 3.2.4 states that outstanding natural features and landscapes should be protected by, among other things, avoiding adverse effects on those values that contribute to the significance of the natural feature or landscape.
381. The Proposed RPS would certainly not support an open-ended reference to inappropriate subdivision, use and development. It does, however, support Mr Paetz's recommendation that the focus not be solely on the natural character of ONLs and ONFs. While we had some concerns as to the ambiguity that might result if Mr Paetz's initial recommendation (in his Section 42A Report) were accepted, and reference be made to the quality of ONLs and ONFs, we think he was on strong ground identifying that natural character is not the only quality of ONLs and ONFs. We note that the planning witness for Allenby Farms Limited and Crosshill Farms Limited, Mr Duncan White, supported the reference in the notified objective to natural character as being "*the significant feature of ONLs and ONFs*"²⁹⁹.

²⁹⁶ Mr White, planning witness for Allenby Farms Ltd and Crosshill Farms Ltd, supported that approach.

²⁹⁷ This was a rationale on which Mr Dan Wells, for instance, supported addition of the word 'inappropriate' to the notified objective.

²⁹⁸ Section 75(3)(c) of the Act

²⁹⁹ D White, EiC at 3.2

382. Mr White, however, accepted that the so-called *Pigeon Bay* criteria for landscapes encompassed a wide variety of matters, not just natural character.
383. Mr Carey Vivian suggested to us that the objective might refer to “*the qualities*” of ONLs and ONFs, rather than “*the quality*” as Mr Paetz had recommended. It seems to us, however, that broadening the objective in that manner would push it too far in the opposite direction.
384. In our view, some aspects of ONLs and ONFs are more important than others, as the Proposed RPS recognises. Desirably, one would focus on the important attributes of the particular ONL and ONF in question³⁰⁰. The PDP does not, however, identify the particular attributes of each ONL or ONF. The ODP, however, focuses on the landscape values, visual amenity values and natural character of ONLs in the Wakatipu Basin, and we recommend that this be the focus of the PDP objective addressing ONLs and ONFs more generally – accepting in part a submission of UCES that, at least in this regard, there is value in rolling over the ODP approach.
385. Identifying the particular values of ONLs and ONFs of most importance also responds to submissions made by counsel for Skyline Enterprises Ltd and others that the restrictive provisions in the notified plan had not been justified with reference to the factors being protected.
386. An objective seeking no more than minor effects on ONLs and ONFs would effectively roll over the ODP in another respect. That is the policy approach in the ODP for ONLs in the Wakatipu Basin and for ONFs.
387. The structure of the ODP in relation to ONLs and ONFs is to have a very general objective governing landscape and visual amenity values, supported by separate policies for ONLs in the Wakatipu Basin, ONLs outside the Wakatipu Basin and ONFs. Many of the policies for the Wakatipu Basin ONLs and ONFs are identical. At least in appearance, the policies of the ODP are more protective of ONLs in the Wakatipu Basin than outside that area. The key policies governing subdivision and development outside the Wakatipu Basin focus on the capacity of the ONLs to absorb change, avoiding subdivision and development in those parts of the ONLs with little or no capacity to absorb change and allowing limited subdivision and development in those areas with a higher potential to absorb change. We note though that capacity to absorb change will be closely related to the degree of adverse effects when landscape and visual amenity values are an issue and so the difference between the two may be more apparent than real.
388. Submitters picked up on the different approach of the PDP from the ODP in this regard. UCES supported having a common objective and set of policies for ONLs across the district, utilising the objectives, and policies (and assessment matters and rules) in the ODP that apply to the ONLs of the Wakatipu Basin. When he appeared before us in Wanaka, counsel for Allenby Farms Limited, Crosshill Farms Limited and Mt Cardrona Station Limited, Mr Goldsmith, argued that when the Environment Court identified in its Decision C180/99 the desirability of a separate and more restricted policy regime for the Wakatipu Basin ONLs, it had good reason for doing so (based on the greater development pressures in the Wakatipu Basin, the extent of existing development activity and the visibility of the ONLs from the Basin floor). Mr Goldsmith submitted that there is no evidence that those factors do not still apply, and that accordingly the different policy approaches for Wakatipu Basin ONLs, compared to the ONL’s in the balance of the District should be retained.

³⁰⁰ Refer the recommendations of Report 16

389. This relief was not sought by Mr Goldsmith’s clients in their submissions and so we have regarded it as an example of a submitter (or in this case three submitters) seeking to rely on the collective scope provided by other unspecified submissions (i.e. the point discussed earlier in this report). In this particular case, the argument Mr Goldsmith pursued arguably falls within the jurisdiction created by the submissions already noted seeking deletion of the whole of Section 3.2.5 and we have accordingly considered it on its merits.
390. Discussing the point with us, Mr Goldsmith agreed that the Environment Court’s key findings were based on evidence indicating a need for stringent controls on the Wakatipu Basin and a lack of evidence beyond that. While he agreed that the lack of evidence before the Environment Court in 1999 should not determine the result in 2016 (when we heard his submissions), Mr Goldsmith submitted that there was no evidence before us that the position has changed materially. We note, however, that Mr Haworth suggested to us that the contrary was the case, and that development pressure had increased significantly throughout the District since the ODI was written³⁰¹. Mr Haworth provided a number of examples of residential development having been consented in the ONLs of the Upper Clutha and also drew our attention to the tenure review process having resulted in significant areas of freehold land becoming available for subdivision and development within ONLs.
391. In addition, the Environment Court’s decision in 1999 reflected the then understanding of the role of section 6(b) of the Act in the context of Part 2 as a whole³⁰². That position has now been overtaken by the Supreme Court’s decision in *King Salmon*, that we have discussed extensively already. The Supreme Court’s decision means that we must find a means to protect ONLs and ONFs as part of the implementation of the RPS and, in consequence, the sustainable management of the District’s natural and physical resources. In that context, we think that a different policy regime between ONLs in different parts of the district might be justified if they varied in quality (if all of them are outstanding, but some are more outstanding than others). But no party sought to advance an argument (or more relevantly, called expert evidence) along these lines.
392. We accordingly do not accept Mr Goldsmith’s argument. We find that it is appropriate to have one objective for the ONLs and ONFs of the District and that that objective should be based upon protecting the landscape and visual amenity values and the natural character of landscapes and features from more than minor adverse effects that are not temporary in nature.
393. We do not consider that reference is required to wāhi tupuna given that this is addressed in section 3.2.7.
394. We record that we have considered the submission of Remarkables Park Limited³⁰³ and Queenstown Park Limited³⁰⁴ that, in effect, a similar approach to that in the ODP should be taken, with a very general objective supported by more specific policies. The structure of the PDP is, at this strategic level, one objective for ONLs and ONFs, and another objective for other rural landscapes. We regard that general approach as appropriate. Once one gets to the point of determining that there should be an objective that is specific to ONLs and ONFs, it is not

³⁰¹ J Haworth, Submissions and Evidence at page 16

³⁰² Refer C180/99 at paragraph [69]

³⁰³ Submission 806

³⁰⁴ Submission 807

appropriate, for the reasons already canvassed, that the outcome aspired to is one which provides for avoiding, remedying or mitigating adverse effects³⁰⁵.

395. The last point that we need to examine before concluding our recommendation is whether an objective that does not provide for protection of ONLs and ONFs from inappropriate subdivision, use and development fails to provide for critical infrastructure and/or fails to give effect to the NPSET 2008.
396. QAC expressed concern that an overly protective planning regime for ONLs and ONFs would constrain its ability to locate and maintain critical meteorological monitoring equipment that must necessarily be located at elevated locations around Queenstown Airport which are currently classified as ONLs or ONFs. QAC also noted that Airways Corporation operates navigational aids on similar locations which are critical to the Airport's operations³⁰⁶. QAC did not provide evidence though that suggested that the kind of equipment they were talking about would have anything other than a minor effect on the ONLs or ONFs concerned.
397. Transpower New Zealand also expressed concern about the potential effect of an overly protective regime for ONLs on the National Grid. The evidence for Transpower was that, there is an existing National Grid line into Frankton through the Kawarau Gorge and while the projected population increases would suggest a need to upgrade that line within the planning period of the PDP, the nature of the changes that would be required would be barely visible from the ground. The Transpower representatives who appeared before us accepted that that would be in the category of "minor" adverse effects. They nevertheless emphasised the need to provide for currently unanticipated line requirements that would necessarily have to be placed in ONLs given that the Wakatipu Basin is ringed with ONLs (assuming the notified plan provisions in this regard remain substantially unchanged). Counsel for Transpower, Ms Garvan, and Ms Craw, the planning witness for Transpower, drew our attention to Policy 2 of the NPSET 2008, which reads:

*"In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network."*³⁰⁷

398. They also emphasised the relevance of Policy 8 of the NPSET 2008, which reads as follows:

"In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities."

399. Ms Craw also referred us to the provisions of the Proposed RPS suggesting that the PDP is inconsistent with the Proposed RPS. We note in this regard that Policy 4.3.3 of the Proposed RPS reads:

³⁰⁵ We note the planning evidence of Mr Tim Williams in this regard: Mr Williams was of the opinion (stated at his paragraph 14) that high-level direction for protection and maintenance of the District's nationally and internationally revered landscapes was appropriate.

³⁰⁶ Consideration of such equipment now needs to factor in the provisions in the Proposed RPS indicating that it is infrastructure, whose national and regional significance should be recognised (Policy 4.3.2(e)).

³⁰⁷ The NPSET 2008 defines the electricity transmission network to be the National Grid.

“Minimise adverse effects from infrastructure that has national or regional significance, by all of the following:

...

(b) Where it is not possible to avoid locating in the areas listed in (a) above [which includes outstanding natural features and landscapes], avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas;...”

400. We tested the ambit of the relief Transpower was contending might be required to give effect to the NPSET 2008, by suggesting an unlikely hypothetical example of a potential new national grid route³⁰⁸ and inviting comment from Transpower’s representatives as to whether the NPSET 2008 required that provision be made for it. Counsel for Transpower accepted that the PDP was not required to enable the National Grid in every potential location, but rejected any suggestion that the PDP need only provide for Transpower’s existing assets and any known future development plans³⁰⁹.
401. We enquired of counsel whether, if the NPSET 2008 requires the PDP to enable the National Grid in circumstances where that would have significant adverse effects on ONLs or ONFs, the NPSET 2008 might itself be considered to be contrary to Part 2 and therefore within one of the exceptions that the Supreme Court noted in *King Salmon* to the general principle that a Council is not able to circumvent its obligation to give effect to a relevant National Policy Statement by a reference to an overall broad judgement under section 5.
402. We invited Counsel for Transpower New Zealand Limited to file further submissions on this point.
403. Unfortunately, the submissions provided by Counsel for Transpower did not address the fundamental point, which is that the Supreme Court expressly stated that:
- “... If there was an allegation going to the lawfulness of the NZCPS, that would have to be resolved before it could be determined whether a decision-maker who gave effect to the NZCPS as it stood was necessarily acting in accordance with pt 2.”³¹⁰*
404. To the extent that counsel for Transpower relied on a recent High Court decision addressing the relevance of the NPSFM 2011 to a Board of Inquiry decision³¹¹, we note that the consistency or otherwise of the NPSFM 2011 with Part 2 of the Act was not an issue in that appeal. Rather, the point of issue was whether the Board of Inquiry had correctly given effect to the NPSFM 2011.
405. More recently, the High Court in *Transpower New Zealand Ltd v Auckland Council*³¹² has held that national policy statements promulgated under section 45 of the Act (like the NPSET) are not an exclusive list of relevant matters and do not necessarily encompass the statutory purpose. The High Court found specifically³¹³ that the NPSET is not as all-embracing of the Act’s purpose set out in section 5 as is the New Zealand Coastal Policy Statement and that a decision-maker can properly consider the Act’s statutory purpose, and other Part 2 matters,

³⁰⁸ From Frankton to Hollyford, via the Routeburn Valley

³⁰⁹ Addendum to legal submissions on behalf of Transpower New Zealand Limited dated 21 March 2016 at paragraph 2.

³¹⁰ *King Salmon* at [88]

³¹¹ *Hawke’s Bay and Eastern Fish and Game Council v Hawke’s Bay RC* [2015] 2 NZLR 688

³¹² [2017] NZHC 281

³¹³ *Ibid* at [84]

as well as the NPSET, when exercising functions and powers under the Act. As the Court observed, that does not mean we can ignore the NPSET; we can and should consider it and give it such weight as we think necessary.

406. Ultimately, we do not think we need to reach a conclusion as to whether the NPSET 2008 is consistent with Part 2 of the Act for the purposes of this report, because the NPSET 2008 does not expressly say that Transpower's development and expansion of the national grid may have significant adverse effects on ONLs or ONFs. Policy 8 says that Transpower must seek to avoid adverse effects, but gives no guidance as to how rigorously that policy must be pursued. Similarly, Policy 2 gives no indication as to the extent to which development of the National Grid must be provided for. It might also be considered that a contention that Transpower should be able to undertake developments with significant adverse effects on ONLs would be contrary to the Proposed RPS policy Ms Craw relied on (given that a significant adverse effect on ONLs will almost certainly be a significant adverse effect on the values that make the landscape outstanding).

407. In circumstances where Transpower did not present evidence suggesting any compelling need to provide for significant adverse effects of the National Grid on ONLs and ONFs, we do not think that the primary objective of the PDP should be qualified to make such provision.

408. We accept Mr Renton, giving evidence for Transpower, did suggest that there might be cause to route a National Grid line up the Cardrona Valley and over the Crown Range Saddle. However, he did not present this as anything more than a hypothetical possibility.

409. We note that the Environment Court came to a similar conclusion when considering the relevance of the NPSET 2008 to objectives and policies governing protection of indigenous biodiversity in the Manawatu-Wanganui Region, commenting³¹⁴:

"As with the NPSREG, we do not find that the NPSET gives electricity transmission activities so special a place in the order of things that it should override the regime that applies to indigenous biodiversity. In any case, we were not persuaded that this regime would present insurmountable obstacles to continuing to operate and expand the electricity transmission network to meet the needs of present and future generations."

410. In summary, while we think that there does need to be additional provision for infrastructure, including, but not limited to, the National Grid, in the more specific policies in Chapter 6 implementing this objective, we recommend that Objective 3.2.5.1 be amended to read as follows:

"The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration."

411. Turning to non-outstanding landscapes, Objective 3.2.5.2 as notified read:

"Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes."

412. A large number of submissions sought to amend this objective so as to create a greater range of acceptable adverse effects. Suggestions included:

³¹⁴ *Day et al v Manawatu-Wanganui RC* [2012] NZEnvC 182 at 3-127

- a. Substituting recognition of rural landscape values in conjunction with making provision for management of adverse effects³¹⁵;
 - b. Providing for recognition of those values with no reference to adverse effects³¹⁶;
 - c. Providing for management, or alternatively avoiding, remedying or mitigating of adverse effects³¹⁷;
 - d. Inserting reference to inappropriate subdivision use and development³¹⁸;
 - e. Shifting the focus from adverse landscape effects to adverse effects on natural landscapes³¹⁹;
 - f. Incorporating reference to the potential to absorb change, among other things by incorporating current Objective 3.2.5.3 as a policy under this objective³²⁰.
413. In his Section 42A Report, Mr Paetz expressed the view that while the word ‘*minimise*’ was utilised in this objective to provide greater direction, that level of direction might not be appropriate in rural areas not recognised as possessing outstanding landscape attributes. He recommended alternative wording that sought to maintain and enhance the landscape character of the Rural Landscape Classification, while acknowledging the potential “*for managed and low impact change*”. When Mr Paetz appeared to give evidence, we discussed with him whether the two elements of his suggested amended objective (‘*maintain and enhance*’ v ‘*managed and low impact change*’) were internally contradictory³²¹.
414. In his reply evidence, Mr Paetz returned to the point³²². He acknowledged that there is at least probably, some tension or ambiguity introduced by the combination of terms and revised his recommendation so that if accepted, the objective would read:
- “The quality and visual amenity values of the Rural Landscapes [the amended term for the balance of rural areas that Mr Paetz recommended] are maintained and enhanced.”*
415. The common feature of the relief sought by a large number of the submissions summarised above is that, if accepted, they would have the result that the objective for non-outstanding rural landscapes would not identify any particular outcome against which one could test the success or otherwise of the policies seeking to achieve the objective.
416. We have discussed earlier the need for the PDP objectives to be meaningful and to identify a desired environmental outcome. Many of the submissions on this objective, if accepted, would not do that.
417. Accordingly, we do not recommend that those submissions be accepted, other than that they might be considered to be ‘accepted in part’ by our recommendation below.
418. The starting point for determining the appropriate objective for non-outstanding rural landscapes is to identify the provisions in the superior documents governing this issue. As

³¹⁵ Submissions 437, 456, 513, 522, 532, 534, 537, 608; Supported in FS1071, FS1097, FS1256, FS1286, FS1292, FS1322 and FS1349; Opposed in FS1034 and FS1120

³¹⁶ Submission 515, 531

³¹⁷ Submissions 502, 519, 598, 607, 615, 621, 624, 696, 716, 805: Supported in FS1012, FS1015, FS10976, FS1105 and FS1137; Opposed in FS 1282 and FS1356

³¹⁸ Submissions 502, 519, 696: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282 and FS1356

³¹⁹ Submissions 502, 519: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282 and FS1356

³²⁰ Submission 806

³²¹ As Ms Taylor, giving planning evidence for Matukituki Trust, suggested to us was the case.

³²² M Paetz, Reply Evidence at 5.25

already discussed, the RPS focuses principally on protection of ONLs and ONFs. The only objectives applying to the balance of landscapes and features are expressed much more generally, with non-outstanding landscapes considered as natural resources (degradation of which is sought to be avoided, remedied or mitigated³²³) or land resources (the sustainable management of which is sought to be promoted³²⁴). In terms of the spectrum between more directive and less directive higher other provisions identified by the Supreme Court in *King Salmon*³²⁵, these objectives provide little clear direction, and consequently considerable flexibility in their implementation.

419. The national policy statements likewise do not determine the general objective for non-outstanding landscapes, although both the NPSET 2008 and the NPSREG 2011, in particular need to be borne in mind.
420. The Proposed RPS is of rather more assistance. As previously noted, the Proposed RPS has policies both for ONLs and ONFs, and for highly valued (but not outstanding) natural features and landscapes, under the umbrella of an objective³²⁶ seeking that significant and highly-valued natural resources be “*identified, and protected or enhanced*”.
421. Policy 3.2.5 clarifies that “*highly-valued*” natural features and landscapes are valued for their contribution to the amenity or quality of the environment.
422. Policy 3.2.6 states that highly-valued features and landscapes are protected or enhanced by “*avoiding significant adverse effects on those values which contribute to the high value of the natural feature [or] landscape*” and avoiding, remedying or mitigating other adverse effects.”.
423. The approach of the Proposed RPS to identification of “*highly-valued*” natural features and landscapes appears consistent with the relevant provisions in Part 2 of the Act. The first of these is section 7(c) pursuant to which we are required to have particular regard to “*the maintenance and enhancement of amenity values*”.
424. The second is section 7(f) of the Act, pursuant to which, we are required to have particular regard to “*maintenance and enhancement of the quality of the environment*”.
425. These provisions were the basis on which the Environment Court determined the need to identify “*visual amenity landscapes*”, which were separate from and managed differently to “*other rural landscapes*” in 1999. The Environment Court did not, however, identify which landscapes were in which category. In fact, it found that it had no jurisdiction to make a binding determination (for example, which might be captured on the planning maps³²⁷). In an earlier decision³²⁸, however, the Court observed that an area had to be of sufficient size to qualify as a ‘*landscape*’ before it could be classed as an ORL. It pointed to the Hawea Flats area as the obvious area most likely to qualify as an other rural landscape (ORL) and indicated that the area now known as the Hawthorn Triangle in the Wakatipu Basin might do so³²⁹.

³²³ RPS Objective 5.4.2

³²⁴ RPS Objective 5.4.1

³²⁵ *King Salmon* at [127]

³²⁶ Proposed RPS, Objective 3.2

³²⁷ *Wakatipu Environmental Society Incorporated and Ors v Queenstown Lakes District Council* C92/2001

³²⁸ *Lakes District Rural Landowners Society Incorporated and Ors v Queenstown Lakes District Council* C75/2001

³²⁹ Refer paragraph [27]

426. We should address here an argument put to us by counsel for GW Stalker Family Trust and others that section 7(b) operates, in effect, as a counterweight to section 7(c).
427. Section 7(b) requires that we have particular regard, among other things, to “*the efficient use and development of natural and physical resources*”. Mr Goldsmith characterised section 7(b) as encouraging an enabling regime allowing landowners to develop their land in order to generate social and economic benefits, and section 7(c) as acting as a brake on such development.
428. We do not accept that to be a correct interpretation either of section 7(b), or of its inter-relationship with section 7(c), or indeed with the other subsections of section 7.
429. Our understanding of efficiency and of efficient use and development of natural and physical resources is that it involves weighing of costs and benefits of a particular proposal within an analytical framework. The Environment Court has stated that consideration of efficiency needs to take account of all relevant resources and desirably quantify the costs and benefits of their use, development and protection³³⁰. Quantification of effects on non-monetary resources like landscape values may not be possible³³¹ and the High Court has held that it is not necessary to quantify all benefits and costs to determine a resource consent application³³². We do not understand, however, the Court to have suggested that non-monetary costs are thereby irrelevant to the assessment of the most efficient outcome.
430. In a Proposed Plan context, we have the added direction provided by section 32 that quantification of costs and benefits is required if practicable. Irrespective of whether the relevant costs and benefits are quantified, though, we think it is overly simplistic to think that it is always more efficient to enable development of land to proceed. One of the purposes of the inquiry we are engaged upon is to test whether or not this is so.
431. It follows that the weighting given to maintenance and enhancement of amenity values in section 7(c) forms part of the weighing of costs and benefits, not a subsequent step to be considered once one has an initial answer based on a selective weighing of costs and benefits, so as potentially to produce a different conclusion.
432. In its earlier decision³³³, the Court emphasised the need to identify what landscapes fall within particular categories, as an essential first step to stating objectives and policies (and methods) for them³³⁴. We adopt that approach. While we acknowledge that the submissions on mapping issues are being resolved by a differently constituted Panel, we take the approach of the notified PDP as the appropriate starting point. In the Upper Clutha Basin, rural areas south of Lakes Hawea and Wanaka were generally (the Cardrona Valley is an exception) identified as RLC. Within the Wakatipu Basin (including the Crown Terrace), there are ONF’s identified, but the bulk of the rural areas of the Basin are identified as Rural Land Classification (or RLC) on the PDP maps as notified.
433. The evidence of Dr Marion Read was that farming is the dominant land management mechanism in the rural areas of the District, but that there is an observable difference between the Wakatipu Basin and the Upper Clutha Basin; the latter is much more extensive farming

³³⁰ *Lower Waitaki River Management Society Inc v Canterbury RC* C80/2009

³³¹ Or not with any certainty

³³² *Meridian Energy Ltd v Central Otago DC* CIV 2009-412-000980

³³³ C180/99

³³⁴ See in particular paragraphs [57] and [97]

than intensive. Dr Read was careful to emphasise that her description of the Wakatipu Basin as being “*farmed*” did not imply that landholdings were being operated as economically viable farming enterprises. Rather, it was a question of whether the land use involved cropping, stocking, or other farming activities.

434. For this reason, she did not believe that her evidence was materially different from that of Mr Baxter, who was the only other landscape expert that we heard from. Mr Baxter’s concern was to emphasise the extent to which rural living now forms part of the character of the Wakatipu Basin, but when we asked whether the Basin was still rural in character, he confirmed that his opinion was that it retained its pastoral character notwithstanding the extent of rural living developments. He also agreed that the balance of open space in the Basin was essential, drawing our attention in particular to the need to protect the uninterrupted depth of view from roads.
435. The evidence we heard from Dr Read and Mr Baxter also needs to be read in the light of the findings of the Environment Court in the chain of cases leading to finalisation of the ODP.
436. Even in 1999, the Environment Court clearly regarded rural living developments as having gone too far in some areas of the Wakatipu Basin. It referred to “*inappropriate urban sprawl*” on Centennial Road in the vicinity of Arrow Junction and along parts of Malaghan Road on its south side³³⁵. It concluded in relation to the non-outstanding landscapes of the Basin:
- “In the visual amenity landscape (inside the outstanding natural landscape) structures can be built, with appropriate remedial work or mitigation down to some kind of density limit that avoids inappropriate domestication”* [emphasis added]
437. We should note that a footnote linked to remedial work in the passage quoted states as an example of appropriate remedial work, removal of inappropriate houses in the adjoining natural landscape.
438. Elsewhere³³⁶ the Court described ‘*urban sprawl*’ as a term referring to undesirable domestication of a landscape. The Court referred to domestication as being evidenced, among other things, by the chattels or fixtures (e.g. clothes lines/trampolines) that accumulate around dwelling houses.
439. The Court returned to this point in a subsequent decision³³⁷, agreeing with one of the expert witnesses who had given evidence before it that a stretch of the south side of Malaghan Road some 900 metres long containing 11 residential units within a rectangular area containing 22 hectares constituted “*inappropriate over-domestication*”. The Court stated that future development on this and other rural scenic roads, that form a ring around the Basin needed to be “*tightly controlled*”.
440. Dr Read gave evidence that since then, a substantial number of building platforms have been consented in the Wakatipu Basin, and to a lesser extent in the Upper Clutha Basin, suggesting to us an even greater need for clear direction as to the environmental outcomes being sought by the PDP³³⁸.

³³⁵ See 180/99 at [136]

³³⁶ C180/99 at Paragraph [155]

³³⁷ C186/2000 at [38]

³³⁸ We note also the information to similar effect supplied under cover of counsel for the Council’s memorandum dated 18 March 2016

441. Picking up on the Court’s identification of over-domestication as the outcome that is not desired in rural areas, we think that the emphasis of the objective needs to be on rural character and amenity values, rather than as Mr Paetz suggested, the quality and visual amenity values so that it is directed at the aspects of environmental quality that are highly valued (employing the Proposed RPS test) and which are potentially threatened by further development.
442. Turning to the desired outcome, we have some concern that Policy 3.2.5 is both internally contradictory (combining a ‘*protect and enhance*’ focus with avoidance only of significant adverse effects) and inconsistent with sections 7(e) and 7(f) of the Act that support retention of a maintenance and enhancement outcome, notwithstanding the evidence we heard suggesting that this would pose too high a test.³³⁹
443. Put more simply, we think that the objective needs to be that rural areas remain rural in character. We note that rural character is mainly an issue of appearance, but not solely so³⁴⁰.
444. Policy 5.3.1 of the Proposed RPS supports that approach with its focus on enabling farming, minimising the loss of productive soils and minimising subdivision of productive rural land into smaller lots.
445. The need to provide greater direction suggests to us that there is merit in Queenstown Park Ltd’s submission that Objective 3.2.5.3 might be incorporated as a component of Objective 3.2.5.2. The precise relief sought is that it be a policy but for reasons that will be apparent, we think that it might provide more value as an element of the Objective itself. As notified, Objective 3.2.5.3 read:
- “Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.”*
446. Most of the submissions on this objective were focussed on the word ‘*direct*’, seeking that it be softened to ‘*encourage*’³⁴¹. Mr Chris Ferguson suggested in his planning evidence that should be “*encourage and enable*”, but we could not identify any submission that would support that extension to the relief sought in submissions³⁴² and so we have not considered that possibility further.
447. One submitter³⁴³ sought that the ambit of this objective be limited to urban use or development.

³³⁹ E.g. from Mr Jeff Brown who supported a “recognise and manage” approach that in our view, would not clearly signal the desired outcome.

³⁴⁰ Mr Tim Williams suggested to us that spaciousness, peace and quiet and smell were examples of landscape values going beyond the visual, albeit that he was of the view that the visual values were the key consideration.

³⁴¹ Submissions 513, 515, 519, 522, 528, 531, 532, 534, 535, 537, 608: Supported in FS1015, FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1034, FS1068, FS1071, FS1120, FS1282 and FS1356

³⁴² Mr Ferguson did not himself identify any submission he was relying on.

³⁴³ Submission 600: Supported in FS1209, Opposed in FS1034

448. Another submitter³⁴⁴ sought that the extent to which adverse effects were controlled be qualified by inserting reference to ‘*significant*’ detractor from landscape and visual amenity values.
449. Some submissions³⁴⁵ suggested deleting reference to detractor from the identified values, substituting the words “*while recognising the importance of*”.
450. Another suggestion³⁴⁶ was to explicitly exempt development of location-specific resources.
451. Mr Paetz recommended acceptance of the submission that would limit the focus of the objective to urban activities. In his Section 42A Report Mr Paetz expressed the view that rural subdivision and development could be contemplated on more of a case by case, effects-based perspective, whereas it was more appropriate for urban development to be directed to particular locations “*with a firmer policy approach taken on spatial grounds*’.
452. For the reasons already expressed, we do not agree that subdivision, use and development should be the subject of a case by case merits assessment with little direction from the PDP. As Dr Read noted in her evidence before us, there is a problem with cumulative effects from rural living developments, particularly in the Wakatipu Basin. We consider that it is past time for the PDP to pick up on the Environment Court’s finding in 1999 that there were areas of the Wakatipu Basin that required careful management, because they were already at or very close to the limit at which over domestication would occur.
453. Dr Read’s report dated June 2014³⁴⁷ referenced in the section 32 analysis supporting Chapter 6 identifies the rural areas within the Wakatipu Basin where, in her view, further development should be avoided, as well as where increased development might be enabled, on a controlled basis.
454. The Hearing Panel considering submissions on the Rural Chapters (21-23) requested that the Council consider undertaking a structure planning exercise to consider how these issues might be addressed in greater detail. The Council agreed with that suggestion and the end result is a package of provisions forming part of the Stage 2 Variations providing greater direction on subdivision, use and development in the non-outstanding rural areas of the Wakatipu Basin. As at the date of our finalising this report, submissions had only just been lodged on those provisions and so it is inappropriate that we venture any comment on the substance of those provisions. However, we note that hearing and determination of those submissions will provide a mechanism for management of the adverse cumulative effects we have noted, even if the shape the provisions take is not currently resolved.
455. One side-effect of the rezoning of rural Wakatipu Basin land is that there now appears to be no non-outstanding Rural Zoned land in the Basin. Although some provisions of Chapter 6 (as notified) have been deleted or amended, our reading of key policies that remain (as discussed in Part D of this report) is that the landscape categories still only apply in the Rural Zone. We have not identified any submission clearly seeking that this position be changed so that the categorisations would apply more broadly.

³⁴⁴ Submission 643

³⁴⁵ Submissions 513, 515, 522, 528, 531, 532, 534, 535, 537: Supported in FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1068, FS1071, FS1120

³⁴⁶ Submissions 519, 598: Supported in FS1015, FS1287; Opposed in FS1091, FS1282 and FS1356

³⁴⁷ Read Landscapes Ltd, ‘*Wakatipu Basin Residential Subdivision and Development Landscape Assessment*’

456. It follows that this particular objective, together with other strategic objectives and policies referring to (as we recommend below they be described) Rural Character Landscapes, does not apply in practice in the Wakatipu Basin. If this is not what the Council intends, we recommend it be addressed in a further variation to the PDP.
457. Lastly, we agree with Submission 643 (and the planning evidence of Mr Wells) that some qualification is required to ensure that this is not a ‘*no development*’ objective. That would not be appropriate in a non-outstanding rural environment.
458. Providing a complete exemption for location-specific resources would, however, go too far in the opposite direction. A provision of this kind could perhaps be justified with respect to use and development of renewable energy resources, relying on the NPSREG 2011, but we heard no evidence of any demand for such development in the non-outstanding rural areas of the District. In any event, the submission that such provision be made was advanced on behalf of mining interests who were clearly pursuing a different agenda.
459. Because the focus of this objective is on rural character and the landscapes in question are only a relatively small subset of the rural landscapes of the district, we recommend that the term utilised on the planning maps and in the PDP generally for these landscapes is ‘*Rural Character Landscapes*’.
460. In summary, for all of these reasons, we recommend that Objectives 3.2.5.2 and 3.2.5.3 be combined in an amended Objective 3.2.5.2 reading as follows:

“The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.”

461. Objective 3.2.5.4 as notified read as follows:

“Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscapes are to be maintained.”

462. Most of the focus of submissions on this objective was on the word “*finite*”. The issue, as it was put by Mr Tim Williams³⁴⁸ to us, is that without an identification of what that finite capacity is, and where current development is in relation to that capacity, the objective serves little purpose. Mr Williams supported greater direction as to which areas have capacity to absorb further development, and which areas do not³⁴⁹. Many of the submissions also sought that the objective provide for an appropriate future capacity for residential activity.
463. In his reply evidence, Mr Paetz recommended that this objective be revised to read:

³⁴⁸ Giving planning evidence for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd & DE, ME Bunn & LA Green, AK and RB Robins & Robins Farms Ltd

³⁴⁹ As did Ms Robb, counsel for the parties Mr Williams was giving evidence for, and Mr Goldsmith, counsel for GW Stalker Family Trust and Others

“The finite capacity of rural areas to absorb residential development is considered so as to protect the qualities of our landscapes.”

- 464. As restated, we do not consider the objective adds any value that is not already captured by our recommended revised Objective 3.2.5.2/3.
- 465. We recommend that it be deleted.
- 466. In summary, we consider that the objectives recommended are individually and collectively the most appropriate way to achieve the purpose of the Act as it relates to landscapes in the District.

2.12. Section 3.2.6 – Community Health and Safety

- 467. As notified, this goal read:

“Enable a safe and healthy community that is strong, diverse and inclusive for all people.”

- 468. A number of submissions supported this goal.
- 469. Submission 197 opposed it on the basis that large employers in the District should be responsible for providing affordable accommodation for their employees.
- 470. Submission 806 sought removal of unnecessary repetition. The reasons provided for the submission suggest that the area of repetition referred to is in relation to urban development.
- 471. Submission 807 sought that the whole of Section 3.2.6 should be deleted, or in the alternative the number of objectives and policies should be significantly reduced.
- 472. Mr Paetz did not recommend any change to this goal.
- 473. The focus of the RPS (Objective 9.4.1) is on sustainable management of built environment as a means, among other things, to meet people’s needs. This is both extremely general and more narrowly directed than the PDP goal. Policy 9.5.5 gets closer, with a focus on maintaining, and where practicable enhancing, quality of life, albeit that the means identified for doing so are generally expressed.
- 474. The Proposed RPS has a chapter entitled *“Communities in Otago are resilient, safe and healthy”*³⁵⁰. The focus of objectives in the chapter is on natural hazards, climate change, provision of infrastructure and the supply of energy, management of urban growth and development, and of hazardous substances. The following chapter is entitled *“People are able to use and enjoy Otago’s natural and built environment”*, with objectives focussing on public access to the environment, historic heritage resources, use of land for economic production and management of adverse effects.
- 475. Policy 1.1.3 of the Proposed RPS focuses more directly on provision for social and cultural wellbeing and health and safety, albeit in terms providing flexibility as to how this is achieved, except in relation to human health (significant adverse effects on which must be avoided).
- 476. We regard the higher level focus of these chapters as supporting the intent of this goal, and Policy 1.1.3 as providing guidance as to how it might be framed.

³⁵⁰ Proposed RPS, Chapter 4

477. At present, this goal is framed as a policy, commencing with a verb.
478. Looking at what outcome is being sought here and the capacity of the District Plan to achieve that outcome, we take the view that this particular higher-level objective is better framed in section 5 terms; emphasis is therefore required on people in communities providing for their social, cultural and economic well being and their health and safety. As above, this is also the direction Policy 1.1.3 of the Proposed RPS suggests.
479. So stated, there is an area of overlap with Goal/Objective 3.2.2 (as Submission 806 observes), but we nevertheless regard this as a valuable high-level objective, particularly for the non-urban areas of the District.

480. Accordingly, we recommend that this goal/high-level objective be reframed to read:

“The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.”

481. We regard this, in conjunction with the other high-level objectives it has recommended, to be the most appropriate way to achieve the purpose of the Act.

2.13. Section 3.2.6 – Additional Objectives

482. We have already addressed Objectives 3.2.5.5, 3.2.6.1, 3.2.6.2 and 3.2.6.3, recommending that they be amalgamated into what was 3.2.2.1.

483. Objective 3.2.6.4 as notified read:

“Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.”

484. While the submissions on all of these objectives were almost universally in support, we view these matters, to the extent that they are within the ability of the PDP to implement³⁵¹, as being more appropriately addressed in the context of Chapter 4. We therefore accept the point made in Submission 807 summarised above, that the objectives in this section might be significantly pared back.

485. Although this leaves the higher-level objective without any more focused objectives unique to it, we do not regard this as an unsatisfactory end result. To the extent the goal/high-level objective relates to non-urban environments, these matters can be addressed in the more detailed plan provisions in other chapters. In summary, therefore, we are satisfied both the amendments and the relocation of the objectives in Section 3.2.6 we have recommended are the most appropriate way to achieve the purpose of the Act.

2.14. Section 3.2.7 – Goal and Objectives

486. Lastly in relation to Chapter 3 objectives, we note that the goal in Section 3.2.7 and the two objectives under that goal (3.2.7.1 and 3.2.7.2) are addressed in the Stream 1A Hearing Report (Report 2).

³⁵¹ Provision of community facilities is more a Local Government Act issue than a matter for the PDP.

487. The revised version of these provisions in the amended Chapter 3 attached to this Report as Appendix 1 shows the recommendations of that Hearing Panel for convenience.

2.15. Potential Additional Goals and Objectives

Before leaving the strategic objectives of the PDP, we should note submissions seeking entirely new goals and/or objectives. We have already addressed some of those submissions above.

488. A number of submitters³⁵² sought insertion of a 'goal' specifically related to tourism, generally in conjunction with a new strategic objective and policy. We have already addressed the submissions related to objectives and policies for tourism. While important to the District, ultimately we consider tourism is an aspect of economic development and therefore covered by (now) higher order objective 3.2.1. We therefore recommend rejection of these submissions.

489. The Upper Clutha Tracks Trust³⁵³ sought insertion of a new goal worded as follows:

"A world class network of trails that connects communities."

490. The submitter also sought a new objective to sit under that goal as well as a series of new policies.

491. The submitter did not appear so as to provide us with any evidential foundation for such change. In the absence of evidence, we do not regard the relief sought by the submitter as so obviously justified as a high-level objective of the PDP that it would recommend such amendments.

492. NZIA³⁵⁴ likewise sought insertion of a new goal, worded as follows:

"Demand good design in all development."

493. Mr Paetz did not recommend acceptance of this submission. While we acknowledge that good design is a worthwhile aspiration, we see it as an aspect of development that might more appropriately be addressed in more detailed provisions that can identify what good design entails. We will return to the point in the context of Chapter 4 rather than as a discrete high-level objective of its own. Accordingly, we do not recommend acceptance of this submission.

494. Slopehill Properties Limited³⁵⁵ sought a new objective (or policy) to enable residential units to be constructed outside and in addition to approved residential building platforms with a primary use of the increased density is to accommodate family. Mr Farrell gave planning evidence on this submission, supported by members of the Columb family who own property between Queenstown and Arthurs Point. Clearly, a case can be made to address situations like that of the Columb family where different generations of the same family seek to live in close proximity. The difficulty we see with an objective in the District Plan (or indeed a policy) providing for this situation is that there appears to be no safeguard against it being used on a large scale to defeat the objective seeking to retain the rural character of land outside existing

³⁵² Submissions 607, 615, 621, 677: Supported in FS1097, FS1105, FS1117, FS1137, FS1152, FS1153, FS1330 and FS1345; Opposed in FS1035, FS1074, FS1312 and FS1364

³⁵³ Submission 625: Supported in FS1097; Opposed in FS1347

³⁵⁴ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1242, FS1248 and FS1249

³⁵⁵ Submission 854: Supported in FS1286; Opposed in FS1349

urban areas. Certainly, Mr Farrell was not able to suggest anything to us. Nor was Mr Farrell able to quantify the potential implications of such an objective for the District more broadly.

495. In summary, while we accept that the Columbs' personal situation is meritorious, we cannot recommend acceptance of their submission against that background.

496. In summary, having reviewed the objectives we have recommended, we consider that individually and collectively, they are the most appropriate way to achieve the purpose of the Act within the context of strategic objectives, for the reasons set out in this report.

3. POLICIES

497. Turning to the policies of Chapter 3, given the direction provided by section 32, the key reference point of our consideration of submissions and further submissions is whether they are the most appropriate means to achieve the objectives we have recommended.

3.1. Policy 3.2.1.1.3 – Visitor Industry

498. Consistent with our recommendation that the objectives should be reordered with the initial focus on the benefits provided by the visitor industry, we recommend that what was Policy 3.2.1.1.3 be the first policy.

499. As notified, that policy read:

“Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services within the Queenstown and Wanaka central business areas.”

500. The submissions on this policy all sought to expand its scope beyond the Queenstown and Wanaka central areas. Many submissions have sought that the focus be district-wide. One submission³⁵⁶ sought to link the promotion of visitor industry growth to maintenance of the quality of the environment.

501. When Real Journeys Limited appeared at the hearing, its representatives emphasised the need for provision for visitor accommodation facilities, not all of which could practically be located within the two town centres. They also took strong exception to the implication of Policy 3.2.1.1.3 that the quality of existing attractions, facilities and services for visitors (as distinct from their scope) needed improvement.

502. Mr Paetz recommended that the submissions be addressed by a minor amendment to the existing policy (to refer to Queenstown and Wanaka town centres rather than to their central business areas) consistent with his recommended objective, and a new policy framed as follows:

“Enable the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied or mitigated”.

503. We accept the thrust of the submissions and evidence we heard on this aspect of the PDP, that attractions, facilities and services for visitors are not and should not be limited to the Queenstown and Wanaka town centres. We also accept the logic of Mr Paetz's suggested

³⁵⁶ Submission 806

approach of providing for the visitor industry more broadly, but are concerned with the open-ended nature of the suggested broader policy.

504. In his Section 42A Report, Mr Paetz acknowledged that his recommending a policy focus on adverse effects being avoided, remedied or mitigated was not consistent with the general approach of the PDP seeking to minimise the use of that phrasing. He considered it appropriate in this context because the policy is not specific to the environmental effects it is concerned with. In Mr Paetz's view, a higher bar would be set in more sensitive landscapes or environments by other objectives and policies.

505. While this may be so, we consider that greater direction is required that this is the intention.

506. It seems to us that part of the issue is that visitor industry developments within the 'urban' areas of the district outside the Queenstown and Wanaka town centres raise a different range of issues to visitor industry developments in rural areas. In the former, the objectives and policies for the zones concerned provide more detailed guidance. In the latter, the strategic objectives and policies focused on landscape quality and rural character provide guidance. Policy 5.3.1(e) of the Proposed RPS might also be noted in this context – it supports provision for tourism activities in rural areas "of a nature and scale compatible with rural activities". It is apparent to us that while some specific provision is required for visitor industry developments in rural areas, this is better located alongside other strategic policies related to the rural environment. We return to the point in that context.

507. We also identify some tension between a policy that seeks to 'promote growth' in the visitor industry with recommended issues and objectives seeking to promote diversification in the District's economy. Consequently, we recommend that this wording be softened somewhat.

508. In summary, we recommend that Policy 3.2.1.1.3 be renumbered 3.3.1 as follows and amended to read as follows:

"Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone."

509. We consider that this policy, operating in conjunction with the other policies it will recommend, is the most appropriate way to achieve Objectives 3.2.1.1 and 3.2.1.2 as recommended above.

3.2. Policies 3.2.1.1.1 and 3.2.1.1.2 – Queenstown and Wanaka Town Centres

510. As notified these two policies read:

"3.2.1.1.1 Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.

3.2.1.1.2 Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka central business areas as the primary focus of the District's economic activity."

511. Submissions on these policies reflected the submissions on Objective 3.2.1.1 discussed above, seeking to expand its scope to recognise the role of Frankton's commercial areas in relation to

Queenstown, and Three Parks in relation to Wanaka. Willowridge Developments Ltd³⁵⁷ sought to confine both policies to a focus on the business and commercial areas of Queenstown and Wanaka. Queenstown Park Limited³⁵⁸ also sought to soften Policy 3.2.1.1.2 so that it was less directive. NZIA³⁵⁹ sought recognition that the Queenstown and Wanaka town centres play a broader role than just as commercial hubs.

512. In his reply evidence, Mr Paetz recommended:
- a. Consequential changes in the wording based on his recommended objective, to refer to Queenstown and Wanaka town centres;
 - b. Amending Policy 3.2.1.1.1 to refer to the civic and cultural roles of the two town centres;
 - c. Deletion of the word '*fundamentally*' from Policy 3.2.1.1.2;
 - d. Addition of four new policies recognising the role of Frankton commercial areas and the importance of Queenstown Airport, and a further policy focused on Three Parks.
513. Addressing first the suggested amendments to Policies 3.2.1.1.1 and 3.2.1.1.2, we agree with Mr Paetz's recommendations with only a minor drafting change. NZIA make a good point regarding the broader role of the town centres. Similarly, the word '*fundamentally*' is unnecessary. Testing whether additional zoning could '*undermine*' the role of the existing town centres already conveys a requirement for a substantial adverse effect.
514. We also agree that, provided the separate roles of the Frankton and Three Parks are addressed, a strong policy direction is appropriate.
515. As a result, we recommend that Policies 3.2.1.1.1. and 3.2.1.1.2 be renumbered and amended to read as follows:
- “3.3.2 *Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.*
- 3.3.3 *Avoid commercial rezoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity.”*
516. We note that the provisions of the RPS related to management of the built environment³⁶⁰ are too high level and generally expressed to provide direction on these matters. Policy 5.3.3 of the Proposed RPS, however, supports provisions which avoid “*unplanned extension of commercial activities that has significant adverse effects on the central business district and town centres, including on the efficient use of infrastructure, employment and services.*”
517. As regards the new policies suggested by Mr Paetz for Frankton and Three Parks, we agree with the recommendations of Mr Paetz with five exceptions.
518. We recommend that reference to Frankton not be limited to the commercial areas of that centre because existing industrial areas play an important local servicing role (as recognised by the revised recommended objective above) and Queenstown Airport has a much broader role than solely “*commercial*”. We also consider that reference to “*mixed-use*’ development

³⁵⁷ Submission 249: Opposed in FS1097

³⁵⁸ Submission 806: Supported in FS1012

³⁵⁹ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

³⁶⁰ RPS, Section 9.4

nodes is unnecessary. Having broadened the policy beyond commercial areas, the uses are obviously “mixed”.

519. Secondly, Mr Paetz recommended that recognition of Queenstown Airport refer to its “essential” contribution to the prosperity and “economic” resilience of the District.
520. While Queenstown Airport plays an extremely important role, we take the view that categorising it as “essential” would imply that it prevailed over all other considerations. Given the competing matters that higher order documents require be recognised and provided for (reflecting in turn Part 2 of the Act), we do not regard that as appropriate.
521. We have also taken the view that the nature of the contribution Queenstown Airport makes is not limited to its economic contribution. The evidence for QAC emphasised to us that Queenstown Airport is a lifeline utility under the Civil Defence Emergency Management Act 2002 with a key role in planning and preparing for emergencies, and for response and recovery in the event of an emergency. We accordingly recommend that the word “economic” be deleted from Mr Paetz’s suggested policy.
522. In addition, we have determined that greater direction is required (consistent with the objective we have recommended) regarding the function of the Frankton commercial area in the context of Mr Paetz’s suggested policy that additional commercial rezoning that would undermine that function be avoided.
523. It follows that we do not accept the suggestion of Mr Chris Ferguson in his evidence that the new Frankton policy should only constrain additional zoning within Frankton. Mr Paetz confirmed in response to our question that his intention was that the policy should extend to apply to areas outside Frankton – most obviously Queenstown itself – and we agree that this is appropriate.
524. Lastly, we do not think it necessary to refer to “future” additional commercial rezoning given that any additional rezoning will necessarily be in the future.
525. In summary, we recommend four new policies numbered 3.3.4-3.3.7 and worded as follows:

“Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes.

Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.

Avoid additional commercial rezoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton.

Provide a planning framework for the commercial core of Three Parks that enables large format retail development.”

526. We are satisfied that collectively these policies are the most appropriate way, in the context of high-level policies, to achieve Objectives 3.2.1.2-4 that we have recommended.

3.3. Policies 3.2.1.2.1 – 3 – Commercial and Industrial Services

527. Policy 3.2.1.2.3 as notified read:

“Avoid non-industrial activities occurring within areas zoned for industrial activities.”

528. Submissions on this policy sought to soften its effect in various ways. Mr Paetz recommended that Submission 361 be accepted with the effect that non-industrial activities related to or supporting industrial activities might occur within industrial zones, but otherwise that the policy not be amended.

529. Policy 5.3.4 of the Proposed RPS is relevant on this point. It provides for restriction of activities in industrial areas that, among other things, may result in inefficient use of industrial land.

530. We accept in principle that, given the guidance provided by the Proposed RPS, the lack of land available for industrial development, and the general unsuitability of land zoned for other purposes for industrial use, non-industrial activities in industrial zones should be tightly controlled.

531. The more detailed provisions governing industrial zones are not part of the PDP, being scheduled for consideration as part of a subsequent stage of the District Plan review. At a strategic level, we recommend acceptance of Mr Paetz’s suggested amendment with the effect that this policy (renumbered 3.3.8) would read:

“Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities.”

532. We consider that this policy is the most appropriate way, in the context of high-level policies, to achieve the aspects of Objectives 3.2.1.3 and 3.2.1.5 related to industrial activities.

533. Policies 3.2.1.2.1 and 3.2.1.2.2 need to be read together. As notified, they were worded as follows:

“Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka Central Business Areas fulfil.

Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.”

534. Submissions on Policy 3.2.1.2.1 sought either its deletion³⁶¹ or significant amendment to focus it on when additional commercial rezoning might be enabled³⁶². Submissions on Policy 3.2.1.2.2 sought recognition of the role of industrial precincts in townships and broadening the focus beyond townships to commercial, mixed use and industrial zones generally, and to their role in meeting visitor needs³⁶³.

535. Mr Paetz recommended relatively minor amendments to these policies, largely consequential on his recommendation that the role of Frankton be recognised with a separate policy regime.

³⁶¹ Submission 608: Opposed in FS1034

³⁶² Submission 806

³⁶³ Submissions 726 and 806

536. Policy 5.3.3. of the Proposed RPS, already referred to in the previous section of our report, needs to be noted in this context also.
537. Logically, these policies should be considered in reverse order, addressing the positive role of township commercial precincts and local shopping centres first. We do not consider that it is necessary to both “reinforce and support” that role. These terms are virtually synonyms. We take the view, however, that greater direction is required in how such precincts and centres might be supported. We recommend reference to enabling commercial development that is appropriately sized for the role of those precincts and centres.
538. That is not to say that those areas do not have other roles, such as in meeting resident and visitor needs, and providing industrial services, but in our view, those are points of detail that can be addressed in the more detailed provisions of the PDP.
539. Mr Paetz suggested revision to Policy 3.2.1.2.1, to remove reference to the Queenstown and Wanaka town centres, would mean that there is an undesirable policy gap for centres within the Queenstown and Wanaka urban areas, but outside the respective town centres (apart from Frankton and Three Parks).
540. In summary, we recommend that these policies be renumbered 3.3.9 and 3.3.10, and amended to read:
- “Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose.*
- Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil.”*
541. We consider that these policies are the most appropriate way, in the context of high-level policies, to achieve objective 3.2.1.5.

3.4. Policies 3.2.1.3.1-2 – Commercial Capacity and Climate Change

542. As notified, these policies read:

“3.2.1.3.1 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification;

3.2.1.3.2 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures.”

543. Submissions on Policy 3.2.1.3.1 either supported the policy as is³⁶⁴ or sought that it be more overtly enabling³⁶⁵. One submission³⁶⁶ sought amendment to remove reference to capacity and to insert reference to avoiding, remedying or mitigating adverse effects.

³⁶⁴ Submissions 608: Opposed in FS1034

³⁶⁵ Submissions 615, 621, 716 and 807: Supported in FS1097, FS1105, FS1117, FS1137, FS1145

³⁶⁶ Submission 806

544. Submissions on 3.2.1.3.2 either supported the policy as is³⁶⁷ or sought to delete reference to opportunities, and to energy and fuel pressures³⁶⁸.
545. Mr Paetz recommended that the policies remain as notified.
546. We regard the current form of Policy 3.2.1.3.1 as appropriate. If it were amended to be more enabling, then reference would have to be made to management of adverse effects. Simply providing for avoiding, remedying or mitigating adverse effects on the environment, as suggested by Queenstown Park Limited, would provide insufficient direction for the reasons discussed already. The existing wording provides room for the nature of the provision referred to be fleshed out in more detailed provisions. We therefore recommend that Policy 3.2.1.3.1 be retained as notified other than to renumber it 3.3.11.
547. Turning to notified Policy 3.2.1.3.2, we have already discussed the provisions of both the RPS and the Proposed RPS related to climate change. While the former provides no relevant guidance, the Proposed RPS clearly supports the first part of the policy. While Policy 4.2.2(c) talks of encouraging activities that reduce or mitigate the effects of climate change, the reasons and explanation for the objective and group of policies addressing climate change as an issue note that it also provides opportunities. We therefore recommend rejection of the submission seeking deletion of reference to opportunities in this context.
548. We heard no evidence, however, of energy and fuel pressures such as would suggest that they need to be viewed in the same light as the effects of climate change.
549. Accordingly, we recommend renumbering Policy 3.2.1.3.2 as 3.3.12 and amending it to read:
- “Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.”*
550. We consider that recommended Policies 3.3.11 and 3.3.12 are the most appropriate way, in the context of a package of high level policies, to achieve objectives 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9.

3.5. Policies 3.2.2.1.1 – 7 – Urban Growth

551. As notified, these policies provided for fixing of Urban Growth Boundaries (UGBs) around identified urban areas and detailed provisions as to the implications of UGBs both within those boundaries and outside them. In his Section 42A Report, Mr Paetz recommended that all of these policies be deleted from Chapter 3 because of the duplication they created with the more detailed provisions of Chapter 4. By his reply evidence, Mr Paetz had reconsidered that position and recommended that the former Policy 3.2.2.1.1 be reinserted, reading as follows:

“Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jacks Point), Arrowtown and Wanaka”.

552. This policy also needs to be read with Mr Paetz’s recommended amended Policy 3.2.5.3.1 reading:

“Urban development will be enabled within Urban Growth Boundaries and discouraged outside them.”

³⁶⁷ Submission 806

³⁶⁸ Submission 598: Supported in FS1287

553. The effect of the suggested Policy 3.2.5.3.1 is to materially amend the notified Policy 3.2.2.1.2 which sought avoidance of urban development outside of the UGBs.
554. We agree with Mr Paetz’s underlying recommendation that most of the policies formerly in Section 3.2.2 should be shifted and amalgamated with the more detailed provisions in Chapter 4, both to avoid duplication and to better focus Chapter 3 on genuinely ‘*strategic*’ matters.
555. We also agree with Mr Paetz’s recommendation that the decision as to whether there should be UGBs and the significance of fixing UGBs for urban development outside the boundaries that are identified, are strategic matters that should be the subject of policies in Chapter 3.
556. Submissions on Policies 3.2.2.1.1 and 3.2.2.1.2 covered the range from support³⁶⁹ to seeking their deletion³⁷⁰.
557. One outlier is the submission from Hawea Community Association³⁷¹ seeking specific reference to a UGB for Lake Hawea Township. Putting aside Lake Hawea Township for the moment, within the extremes of retention or deletion, submissions sought softening of the effect of UGBs³⁷² or seeking to manage urban growth more generally, without boundaries on the maps³⁷³.
558. The starting point, but by no means the finishing point, is that the ODP already contains a policy provision enabling the fixing of UGBs and the UGB has been fixed for Arrowtown after a comprehensive analysis of the site-specific issues by the Environment Court³⁷⁴. It is also relevant that Policy 4.5.1 of the Proposed RPS provides for consideration of the need for UGBs to control urban expansion, but does not require them.
559. The evidence for Council supported application of UGBs on urban design grounds (from Mr Bird) and in terms of protection of landscape and rural character values (Dr Read). The Council also rested its case on UGBs on infrastructure grounds and Mr Glasner’s evidence set out the reasons why infrastructure constraints and the efficient delivery of infrastructure might require UGBs. However, his answers to the written questions that we posed did not suggest that infrastructure constraints (or costs) were actually an issue either in the Wakatipu Basin or the Upper Clutha Basin, where the principal demand for urban expansion exists. Specifically, Mr Glasner’s evidence was that the only areas where existing or already planned upgrades to water supply and sewerage systems would not provide sufficient capacity for projected urban growth would be in Gibbston Valley and at Makarora. To that extent, Mr Glasner’s responses tended to support the submissions we heard from Mr Goldsmith³⁷⁵. Mr Glasner did say, however, that the UGBs would be a key tool for long term planning, in terms of providing certainty around location, timing, and cost of infrastructure investments. We heard no expert evidence that caused us to doubt Mr Glasner’s evidence in this regard.

³⁶⁹ Submission 719

³⁷⁰ Submission 806

³⁷¹ Submission 771, see also Submission 289 to the same effect

³⁷² Submission 807 seeking in the alternative provision for “limited and carefully managed opportunities for urban development outside the Urban Growth Boundary”: Opposed in FS1346

³⁷³ Submission 608 – although at the hearing, counsel for Darby Planning LP advised it had withdrawn its opposition to UGBs: Opposed in FS1034

³⁷⁴ See *Monk v Queenstown-Lakes District Council* [2013] NZEnvC12

³⁷⁵ On this occasion, when appearing for Ayrburn Farm Estate Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd.

560. Mr Paetz also sought to reassure us that the areas within the currently defined UGBs are more than sufficient to provide for projected population increases³⁷⁶. Ultimately, however, that evidence goes more to the location of any UGBs (and to satisfying us that the NPSUDC 2016 is appropriately implemented) rather than the principle of whether there should be any at all (and is therefore a matter for the mapping hearings).
561. The evidence from submitters we heard largely either supported or accepted the principle of UGBs. Mr Dan Wells³⁷⁷ was a clear exception. He emphasised that unlike the historic situation in Auckland where the metropolitan limits have previously been “locked in” by being in the Regional Policy Statement, UGBs in a District Plan do not have the same significance, because they can be altered by future plan changes (including privately initiated plan changes). Mr Wells also expressed the view that a resource consent process was just as rigorous as a plan change and there was no reason why the PDP should preclude urban expansion by resource consent. Mr Wells noted, however, that both processes had to be addressing development at a similar scale for this to be the case. In other words, a resource consent application for a one or two section development would involve must less rigorous analysis than a Plan Change facilitating development of one hundred sections.
562. To us, the most pressing reason for applying UGBs is that without them, the existing urban areas within the District can be incrementally expanded by a series of resource consent applications at a small scale, each of which can be said to have minimal identifiable effects relative to the existing environment.
563. This is of course the classic problem of cumulative environmental effects and while a line on a map may be somewhat arbitrary, sometimes lines have to be drawn to prevent cumulative effects even when they cannot be justified on an “effects basis” at the margin³⁷⁸.
564. The other thing about a line on a map is that it is clear. While, in theory, a policy regime might have the same objective, it is difficult to achieve the necessary direction when trying to describe the scope of acceptable urban expansion beyond land which is already utilised for that purpose. It is much clearer and more certain if the policy is that there be no further development, which is why we regard it as appropriate in relation to urban creep in the smaller townships and settlements of the District, as discussed further below.
565. In summary, we conclude that UGBs do serve a useful purpose (in section 32 terms they are the most appropriate way in the context of a package of high-level policies to implement the relevant objective, (3.2.2.1), as we have recommended it be framed.
566. Accordingly, we recommend that with one substantive exception, and one drafting change discussed shortly, Policy 3.2.2.1.1 be retained.
567. The substantive exception arises from our belief that it is appropriate to prescribe a UGB around Lake Hawea Township. The Hawea Community Association³⁷⁹ sought that outcome and the representatives of the Association described the extent of consultation and community consensus to us on both imposition of a UGB and its location when they appeared

³⁷⁶ M Paetz, Reply Evidence at section 7

³⁷⁷ Giving evidence for Millbrook Country Club, Bridesdale Farm Developments and Winton Partners Fund
³⁷⁸ Compare *Contact Energy Limited v Waikato Regional Council* CIV2006-404-007655 (High Court – Woodhouse J) at [69]-[83] in the context of setting rules around water quality limits

³⁷⁹ Submission 771

before us. They also emphasised that their suggested UGB provided for anticipated urban growth.

568. No submitter lodged a further submission opposing that submission and we recommend that it be accepted.

569. The more minor drafting change is that Policy 3.2.2.1.1 as recommended by Mr Paetz refers both to the urban areas in the Wakatipu Basin and to Arrowtown. Clearly Arrowtown is within the Wakatipu Basin. It is not in the same category as Jacks Point that is specifically mentioned for the avoidance of doubt. We recommend that specific reference to Arrowtown be deleted.

570. Accordingly, we recommend that this policy be renumbered (as 3.3.13) and amended to read:

“Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jacks Point), Wanaka, and Lake Hawea Township.”

571. The second key question is how the PDP treats urban development outside the defined UGBs. There are two sides to this point. The first relates to the smaller townships and settlements of the District, where no UGB is proposed to be fixed. Putting aside Lake Hawea Township which we have recommended be brought within the urban areas defined by UGBs, these are Glenorchy, Kingston, Cardrona, Makarora and Luggate.

572. Policy 3.2.2.1.7 as notified related to these communities and provided:

“That further urban development of the District’s small rural settlements be located within and immediately adjoining those settlements.”

573. NZIA³⁸⁰ sought that urban development be confined to within the UGBs. Queenstown Park Limited³⁸¹ sought amendment of the policy to ensure its consistency with other policies related to UGBs.

574. Mr Paetz recommended that the policy provision in this regard sit inside Chapter 4 and be worded:

“Urban development is contained within existing settlements.”

575. As notified, Policy 4.2.1.5 was almost identical to Policy 3.2.1.7. In that context, NZIA was the only submitter seeking amendment to the Policy; that it simply state:

“Urban development is contained.”³⁸²

576. Clearly Mr Paetz is correct and the duplication between these two policies needs to be addressed³⁸³. We consider, however, that the correct location for this policy is in Chapter 3 because it needs to sit alongside the primary policy on UGBs. Secondly, it needs to be clear that this is a complementary policy. As recommended by Mr Paetz, the policy is in fact

³⁸⁰ Submission 238: Opposed in FS1097, FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

³⁸¹ Submission 806

³⁸² Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

³⁸³ Refer the Real Journeys Submission noted on the more general point of duplication

inconsistent with 3.2.2.1 because in the urban areas with UGBs, provision is made to varying degrees for further urban development outside the existing settled areas.

577. In summary, we recommend that the policy be renumbered (as 3.3.15) and read:

“Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose.”

578. We accept that there is an element of circularity in referring to the existing zone provisions in this regard, but we regard this as the most appropriate way to achieve Objectives 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2 (as those objectives bear upon the point) given that the Township Zone provisions are a matter assigned to a subsequent stage of the District Plan review.

579. The last substantive issue that needs to be addressed under this heading is the extent to which urban development is provided for outside UGBs (and outside the other existing settlements).

580. The starting point is to be clear what it is the PDP is referring to when policies focus on *“urban development”*.

581. The definition of urban development in the PDP as notified reads:

“Means any development/activity within any zone other than the rural zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any zone; or any activity within an urban boundary as shown on the District Planning maps.”

582. At first blush, this definition would suggest that any development within any of the many special zones of the PDP constitute *“urban development”* since they are not rural zones and the qualifying words in the second part of the definition do not purport to apply to all urban development. Similarly, no development of any kind within the rural zones is defined to be urban development. Given that one of the principal purposes of defining urban growth boundaries is to constrain urban development in the rural zones, the definition would gut these policies of any meaning.

583. This definition is largely in the same terms as that introduced to the Operative Plan by Plan Change 50. The Environment Court has described it, and the related definition of *“Urban Growth Boundary”* in the following terms³⁸⁴:

“A more ambivalent and circular set of definitions would be hard to find.”

584. The Court found that urban development as defined means:

“... any development/activity which:

- a. Is of an urban type, that is any activity of a type listed as permitted or controlled in a residential, commercial, industrial or other non-rural zone; or*
- b. Takes place within an “Urban Growth Boundary” as shown on the District’s Planning Maps.”*

³⁸⁴ *Monk v Queenstown-Lakes District Council* [2013] NZEnvC12 at [20]

585. The Court also commented that a definition is not satisfactory if it relies on an exercise of statutory interpretation³⁸⁵.

586. We entirely agree.

587. When counsel for the Council opened the Stream 1A and 1B hearing, we asked Mr Winchester to clarify for us what the definition really meant. He accepted that it was unsatisfactory and undertook to revert on the subject. As part of the Council's reply, both counsel and Mr Paetz addressed the issue. Mr Paetz suggested, supported by counsel, that a revised definition adapted from the definition used in the Proposed Auckland Unitary Plan (as notified) should be used, reading as follows:

"Means development that by its scale, intensity, visual character, trip generation and/or design and appearance of structures, is of an urban character typically associated with urban areas. Development in particular special zones (namely Millbrook and Waterfall Park) is excluded from the definition."

588. This recommendation is against a background of a submission from Millbrook Country Club³⁸⁶ seeking that the definition be revised to:

"Means develop and/or activities which:

- a. Creates or takes place on a site of 1500m² or smaller; and*
- b. Is connected to reticulated Council or community water and wastewater infrastructure; and*
- c. Forms part of ten or more contiguous sites which achieve both (a) and (b) above; but*
- d. Does not includes resort style development such as that within the Millbrook Zone."*

589. We also note MacTodd's submission³⁸⁷ seeking that the definition be amended in accordance with the Environment Court's interpretation of the existing definition, as above.

590. Although counsel for Millbrook referred to the Proposed Auckland Unitary Plan definition of urban activities (as notified³⁸⁸) as part of his submissions³⁸⁹, it appears that Millbrook's formal submission had been drafted with an eye to the definition in the then Operative Auckland Regional Policy Statement that reads:

"Urban development – means development which is not of a rural nature. Urban development is differentiated from rural development by its scale, density, visual character, and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services (such as water supply and drainage), by its generation of traffic and includes activities (such as manufacturing), which are usually provided for in urban areas."

591. We also had the benefit of an extensive discussion with counsel for Millbrook, Mr Gordon, assisted by Mr Wells who provided planning evidence in support of the Millbrook submission, but not on this specific point.

³⁸⁵ See paragraph [24]

³⁸⁶ Submission 696

³⁸⁷ Submission 192

³⁸⁸ Noting that the Independent Hearing Panel recommended deletion of that definition, apparently on the basis that it did no more than express the ordinary and natural meaning of the term, and Auckland Council accepted that recommendation in its decisions on the Proposed Plan

³⁸⁹ As did counsel for Ayrburn Farm Estate Ltd and Others

592. A large part of that discussion was taken up in trying to identify whether the Millbrook development is in fact urban development, and if not, why not. Mr Gordon argued that Millbrook was something of a special case because it provides for activities that are neither strictly urban nor rural. He distinguished Jacks Point, which is contained within an existing UGB because it has provision in its structure planning for facilities like childcare, kindergartens, schools, convenience stores and churches, as well as being of a much larger scale than Millbrook.
593. We also had input from counsel for Darby Planning LP, Ms Baker-Galloway, on the point. She submitted that the definition should not be a quantitative approach, e.g. based on density, but should rather be qualitative in nature. Beyond that, however, she could not assist further.
594. We agree that quantitative tests such as those suggested by Millbrook are not desirable. Among other things, they invite developments that are designed around the quantitative tests (in this case, multiple 9 section developments or developments on sites marginally over 1500m²). We also note the example discussed in the hearing of houses on 2000-3000m² sites in Albert Town that are assuredly urban in every other respect.
595. We also have some difficulties with the definition suggested by Mr Paetz because some types of development are typically associated with urban areas, but also commonly occur in rural areas, such as golf courses and some industries. We think that there is value in the suggestion from Millbrook (paralleled in the referenced Operative Auckland Regional Policy Statement definition in this regard) that reference might be made to connections to water and wastewater infrastructure, but we do not think they should be limited to Council or community services. It is the reticulation that matters, rather than the identity of its provider. Jacks Point, for instance, has its own water and wastewater services, whereas Millbrook is connected to Council water supply and wastewater services.
596. Insofar as Millbrook sought an exclusion for *“resort style development”*, that rather begs the question; what is a resort?
597. Having regard to the submissions we heard from Millbrook, we think that the key characteristics of a resort are that it provides temporary accommodation (while admitting of some permanent residents) with a lower average density of residential development than is typical of urban environments, in a context of an overall development focused on on-site visitor activities. Millbrook fits that categorisation, but Jacks Point does not, given a much higher number of permanent residents, the geographical separation of the golf course from the balance of the development and the fact that the overall development is not focussed on on-site visitor activities. It is in every sense a small (and growing) township with a high-quality golf course.
598. The last point we have to form a view on is whether, as Mr Paetz recommends, the Waterfall Park Zone should similarly be excluded from the definition of urban development. Mr Paetz’s reply evidence accepted that the density of a permitted development within the Waterfall Park Zone would be closer to urban development and made it clear that the entire Waterfall Park Zone is an anomaly; in his words:

“The sort of sporadic and ad hoc urban intensity zoning in the middle of the countryside that Council is looking to discourage through the PDP”³⁹⁰.

³⁹⁰ M Paetz, Reply Evidence at 6.16

599. The Waterfall Park Zone has not been implemented. We have no evidence as to the likelihood that it will be implemented and form part of the 'existing' environment in future. Certainly, given Mr Paetz's evidence, we see no reason why a clearly anomalous position should drive the wording of the PDP policies on urban development going forward.

600. For these reasons, we do not consider special recognition of Waterfall Park is required.

601. A separate Hearing Panel (Stream 10) will consider Chapter 2 (Definitions) of the PDP. That Hearing Panel will need to form a view on the matters set out above and form a final view in the light of the submissions and evidence heard in that stream, what the recommendation to Council should be.

602. For our part, however, we recommend to the Stream 10 Hearing Panel that the definition of urban development be retained to provide clarity on the appropriate interpretation of the PDP³⁹¹ and amended to read:

"Means development that is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development".

We further recommend that a new definition be inserted as a consequence of our recommendation as above:

"Resort" – means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing visitor accommodation and forming part of an overall development focussed on on-site visitor activities."

603. We have proceeded on the basis that when the objectives and policies we have to consider use the term 'urban development', it should be understood as above.

604. Turning then to the more substantive issue, whether urban development, as defined, should be avoided or merely discouraged outside the UGBs and other existing settlements, Mr Paetz's recommendation that Policy 3.2.5.3.1 be amended to provide the latter appears inconsistent with his support for Policy 4.2.2.1 which reads:

"Urban Growth Boundaries define the limits of urban growth, ensuring that urban development is contained within those identified boundaries, and urban development is avoided outside of those identified boundaries."

605. Mr Paetz did not explain the apparent inconsistency, or indeed, why he had recommended that Policy 3.2.5.3.1 should be amended in this way.

³⁹¹ The need for clarity as to the classification of Millbrook and other similar resorts that might be established in future causes us to take a different view on the need for a definition than that which the Auckland Independent Hearings Panel came to.

606. Ultimately, we view this as quite a simple and straightforward question. Mr Clinton Bird, giving urban design evidence for the Council, aptly captured our view when he told us that you have either got an urban boundary or not. If you weaken the boundary, you just perpetuate urban sprawl.
607. This is the same approach that is taken in the Proposed RPS, which provides³⁹² that where UGBs are identified in a District Plan, urban development should be avoided beyond the UGB.
608. It follows that we favour a policy of avoidance of urban development outside of the UGB's, as provided for in the notified Policy 3.2.2.1.2. Our view is that any urban development in rural areas should be the subject of the rigorous consideration that would occur during a Plan Change process involving extension of existing, or creation of new, UGBs.
609. The revised definition we have recommended to the Stream 10 Panel provides for resort-style developments as being something that is neither urban nor rural and therefore sitting outside the intent of this policy.
610. In summary, and having regard to the amendments recommended to relevant definitions, we recommend retention of Policy 3.2.2.1.2 as notified (but renumbered 3.3.14) as being the most appropriate way, in the context of a package of high-level policies, in which to achieve Objectives 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2.

3.6. Section 3.2.2.2. Policies – Natural Hazards

611. As notified, policy 3.2.2.2.1 read:

“Ensure a balanced approach between enabling higher density development within the District’s scarce urban land resource and addressing the risks posed by natural hazards to life and property.”

612. The sole submission specifically on it³⁹³ sought its deletion or in the alternative, amendment “for consistency with the RMA”. The word “addressing” was the subject of specific comment – the submitter sought that it be replaced by “mitigated”.
613. Although Mr Paetz recommended that this Policy be retained in Chapter 3 as notified, for the same reasons we have identified that the relevant objective should be amalgamated with other objectives relating to urban development, we think that this policy should be deleted from Chapter 3, and the substance of the issue addressed as an aspect of urban development in Chapter 4. We think this is the most appropriate way in the context of a package of high-level policies to achieve the objectives of the plan related to urban development.

3.7. Section 3.2.3.1 Policies – Urban Development

614. The policies all relate to a quality and safe urban development. As such, while Mr Paetz recommends that they remain in Chapter 3, for the same reasons as the more detailed urban development policies have been deleted and their subject matter addressed as part of Chapter 4, we recommend that the three policies in Section 3.2.3.1 all be deleted, and their subject matter be addressed as part of Chapter 4, that being the most appropriate way to achieve the objectives of the plan related to urban development.

3.8. Section 3.2.3.2 Policy – Heritage Items

³⁹² Proposed RPS, Policy 4.5.2

³⁹³ Submission 806

615. Policy 3.2.3.2.1 as notified read:
- “Identify heritage items and ensure they are protected from inappropriate development.”*
616. Three submitters on this policy³⁹⁴ sought that the policy should be amended to state that protection of identified heritage items should occur in consultation with landowners and tenants.
617. Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki, Hokonui Rūnanga³⁹⁵ sought that the policy be expanded to refer to wāhi Tūpuna as well as heritage items.
618. Mr Paetz did not recommend any amendment to this policy.
619. The RPS has an objective identifying recognition and protection of heritage values as part of the sustainable management of the built environment³⁹⁶. The policy supporting this objective, however, focuses on identification and protection of *“regionally significant heritage sites”* from inappropriate subdivision, use and development. The RPS predates addition of section 6(f) of the Act³⁹⁷. The upgrading of historic heritage as an issue under Part 2 means, we believe, that the RPS cannot be regarded as authoritative on this point.
620. The Proposed RPS has a suite of policies supporting Objective 5.2, which seeks an outcome whereby historic heritage resources are recognised and contribute to the region’s character and sense of identity. Policy 5.2.3, in particular, seeks that places and areas of historic heritage be protected and enhanced by a comprehensive and sequential set of actions. Those provisions include recognition of archaeological sites, wāhi tapu and wāhi taoka (taonga), avoidance of adverse effects, remedying other adverse effects when they cannot be avoided, and mitigating as a further fallback.
621. Unlike the previous policies, heritage items are not solely found in urban environments and therefore it is not appropriate to shift this policy into Chapter 4.
622. We do not recommend any amendments to it (other than to renumber it 3.3.16) for the following reasons:
- a. While consultation with landowners is desirable, this is a matter of detail that should be addressed in the specific chapter governing heritage;
 - b. Addition to refer to wāhi tupuna is not necessary as identification and protection of wāhi tupuna is already governed by Section 3.2.7 (generally) and the more specific provisions in Chapter 5.
 - c. While the reference to inappropriate development provides limited guidance, the submissions on this policy do not provide a basis for greater direction as to the criteria that should be applied to determine appropriateness, for instance to bring it into line with the Proposed RPS approach.
623. In summary, given the limited scope for amendment provided by the submissions on this policy, we consider its current form is the most appropriate way to achieve Objectives 3.2.2.1 and 3.2.3.1 in the context of a package of high-level policies.

³⁹⁴ Submissions 607, 615 and 621: Supported in FS1105, FS1137 and FS1345

³⁹⁵ Submission 810: Supported in FS1098

³⁹⁶ RPS Objective 9.4.1(c)

³⁹⁷ And corresponding deletion of reference to historic heritage from section 7.

3.9. Section 3.2.4.2 Policies – Significant Nature Conservation Values

624. As notified, the two policies under this heading read:

“3.2.4.2.1 Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

3.2.4.2.2 Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation.”

625. Submissions on 3.2.4.2.1 either sought acknowledgement that significant natural areas might be identified in the course of resource consent application processes³⁹⁸ or sought to qualify the extent of their protection³⁹⁹.

626. Submissions on Policy 3.2.4.2.2 sought variously:

- a. A clear commitment to avoidance of significant adverse effects and an hierarchical approach ensuring offsets are the last alternative considered⁴⁰⁰;
- b. Amendment to make it clear that offsets are only considered as a last alternative to achieve no net loss of indigenous biodiversity and preferably a net gain⁴⁰¹;
- c. To draw a distinction between on-site measures to avoid, remedy or mitigate adverse effects and environmental compensation *“as a mechanism for managing residual effects”*⁴⁰²;

627. Mr Paetz recommended no change to Policy 3.2.4.2.1, but that Policy 3.2.4.2.2. be deleted. His reasoning for the latter recommendation was partly because he accepted the points for submitters that Policy 3.2.4.2.2 was inconsistent with the more detailed Policy 33.2.1.8, but also because, in his view, the policy was too detailed for the Strategic Chapter⁴⁰³.

628. Mr Paetz cited a similar concern (that the relief sought is too detailed) as the basis to reject the suggestion that identification of significant natural areas might occur through resource consent processes.

629. The Department of Conservation tabled evidence noting agreement with Mr Paetz’s recommendations.

630. Ms Maturin appeared to make representations on behalf of Royal Forest and Bird Protection Society. She maintained the Society’s submission on Policy 3.2.4.2.1, arguing that the Policy was in fact inconsistent with more detailed policy provisions indicating that such areas would be identified through resource consent applications, and that the failure to note that would promote confusion, if not mislead readers of the PDP. She supported, however, Mr Paetz’s recommendation that the following policy be deleted.

³⁹⁸ Submissions 339, 373, 706: Supported in FS1040; Opposed in FS1097, FS1162, FS1254, FS1287, FS1313, FS1342 and FS1347

³⁹⁹ Submissions 600 and 805: Supported in FS1209; Opposed in FS1034 and FS1040

⁴⁰⁰ Submission 339, 706: Supported in FS1313; Opposed in FS1015, FS1097, FS1162, FS1254 and FS1287

⁴⁰¹ Submission 373: Supported in FS1040; Opposed in FS1015, FS1097, FS1254, FS1287, FS1342 and FS1347

⁴⁰² Submission 598: Supported in FS1287; Opposed in FS1040

⁴⁰³ Section 42A Report at 12.89-12.90

631. In response to a question from us, Ms Maturin advised that the Society viewed any reference to environmental compensation or offsets as problematic and expressed the view that an applicant should provide a nationally significant benefit before offsets should even be considered.
632. Consideration of the submissions and evidence is against a background of the RPS having three objectives bearing on biodiversity issues:
- a. Objective 10.4.1:
“To maintain and enhance the life-supporting capacity of Otago’s biota.”
 - b. Objective 10.4.2:
“To protect Otago’s natural ecosystems and primary production from significant biological and natural threats.”
 - c. Objective 10.4.3:
“To maintain and enhance areas with significant habitats of indigenous fauna.”
633. Policy 10.5.2 should also be noted, providing for maintenance and where practicable enhancement of the diversity of Otago’s significant indigenous vegetation and significant habitats of indigenous fauna meeting one of a number of tests (effectively criteria for determining what is significant).
634. Policy 3.2.2 of the Proposed RPS takes a more nuanced approach than does the RPS, following the same sequential approach as for landscapes (in Policy 3.2.4, discussed above). Policy 5.4.6, providing for consideration of offsetting of indigenous biological diversity meeting a number of specified criteria, also needs to be noted.
635. We agree with Mr Paetz’s recommendation on Policy 3.2.4.2.1. The reality is if the Strategic Chapters have to set out every nuance of the more detailed provisions, there is no point having the more detailed provisions. We do not regard the fact that the more detailed provisions identify that significant natural areas may be identified through resource consent processes as inconsistent with Policy 3.2.4.2.1. Similarly, given the terms of the RPS and the Proposed RPS (and section 6(c) of the Act, sitting in behind them) we consider the policy is correctly framed, looking first and primarily to protection.
636. We are concerned, however, that the effect of Mr Paetz’s recommendation that Policy 3.2.4.2.2 be deleted is that it leaves the protection of Significant Natural Areas as a bald statement that the more detailed provisions in Chapter 33 might be considered to conflict with.
637. In addition, none of the submissions on this specific point sought deletion of Policy 3.2.4.2.2. While the much more general UCES submission referred to already provides scope to delete any provision of Chapter 3 (since it seeks deletion of the entire chapter) we prefer that the policies state more clearly the extent of the protection provided, and the circumstances when something less than complete protection might be acceptable, in line with the approach of the Proposed RPS.
638. Having said that, we take on board Ms Maturin’s caution that this particular area is a veritable minefield for the unwary and that any policy has to be framed quite carefully.

639. The first point to make is that given the terms of the higher order documents, we think the submitters seeking a policy direction that significant adverse effects on Significant Natural Areas are not acceptable are on strong ground.
640. Secondly, submitters are likewise on strong ground seeking that it be clear that the first preference for non-significant adverse effects is that they be avoided or remedied. We are not so sure about referring to mitigation in the same light⁴⁰⁴.
641. While the High Court has provided guidance as to the distinction between mitigation and environmental offsets/environmental compensation⁴⁰⁵, we recommend that the policy sidestep any potential debate on the distinction to be drawn between the two.
642. Thirdly, the submission seeking a requirement for no net loss in indigenous biodiversity and preferably a net gain is consistent with the Proposed RPS (Policy 5.4.6(b)) and this also needs to be borne in mind.
643. Lastly, we recommend that the division between the two policies be shifted so that Policy 3.2.4.2.1 relates to the identification of Significant Natural Areas and Policy 3.2.4.2.2 outlines how those areas will be managed.

644. In summary, we recommend that the policies as notified be renumbered 3.3.17 and 3.3.18 and amended to read:

“Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as Significant Natural Areas on the District Plan maps (SNAs);

Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied.”

3.10. Section 3.2.4.3 – Rare Endangered and Vulnerable Species

645. Policy 3.2.4.3.1 suggests a general requirement that development not adversely affect survival chances of rare, endangered or vulnerable species. Submissions sought variously:
- a. Expansion of the policy to cover development *“and use”*⁴⁰⁶;
 - b. Qualifying the policy to limit *“significant”* adverse effects⁴⁰⁷;
 - c. Qualifying the policy to make it subject to the viability of farming activities not being impacted⁴⁰⁸; and
 - d. Retaining the policy as notified.
646. Given that we see these policies as the means to achieve recommended Objective 3.2.4.1, we do not consider it necessary or appropriate to insert an additional policy on maintenance of biodiversity as sought in submission 339 and 706⁴⁰⁹.

⁴⁰⁴ Although accepting that the Proposed RPS does so at Policy 5.4.6(a)

⁴⁰⁵ Refer *Royal Forest & Bird Protection Society of New Zealand Inc v Buller District Council* [2013] NZHC 1346

⁴⁰⁶ Submissions 339 and 706: Opposed in FS1162

⁴⁰⁷ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040

⁴⁰⁸ Submission 701: Supported in FS1162

⁴⁰⁹ Opposed in FS1132, FS1162, FS1254 and FS1287

647. We have recommended the objective that this policy seeks to implement be deleted on the basis that it duplicates protection of areas with significant nature conservation values and the emphasis given elsewhere to maintenance of indigenous biodiversity.
648. Similar reasoning suggests that this policy is unnecessary. Any area which is relevant in any material way to the survival chances of rare, endangered or vulnerable species will necessarily be a significant natural area, as that term is defined. Consistently with that position, in the RPS policy discussed above (10.5.2), the fact that a habitat supports rare, vulnerable or endangered species is one of the specified criteria of significance. If any area falling within that description is not mapped as a SNA, then it should be so mapped so as to provide greater certainty both that the relevant objective will be achieved and for landowners, as to their ability to use land that is not mapped as a SNA. Accordingly, on the same basis as for the objective, we recommend that this policy be deleted, as being the most appropriate way, in combination with Policies 3.3.17 and 3.3.18, to achieve Objectives 3.2.1.7, 3.2.18, 3.2.4.1 and 3.2.4.3-4 inclusive as those objectives relate to indigenous biodiversity.

3.11. Section 3.2.4.4 Policies – Wilding Vegetation

649. As notified, policy 3.2.4.4.1 read:

“That the planting of exotic vegetation with the potential to spread and naturalise is banned.”

650. A number of submissions sought retention or minor drafting changes to this policy. Federated Farmers⁴¹⁰ however sought that the effect of the policy be softened to refer to appropriate management and reduction of risks.

651. In his Section 42A Report, Mr Paetz recognised that the policy might be considered too absolute. He recommended that it be revised to read:

“Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise.”

652. As discussed in relation to Objective 3.2.4.4, wilding vegetation is a significant issue in the District. It is also quite a discrete point, lending itself to strategic direction⁴¹¹. We recommended that the objective aspired to is avoidance of wilding exotic vegetation spread. Management and reduction of risk would not achieve that objective, without a clear statement as to the outcome of management and/or the extent of risk reduction.

653. On the other hand, a prohibition of planting of exotic vegetation described only by the characteristic that it has potential to spread and naturalise would go too far. The public are unlikely to be able to identify all the relevant species within this very general description. Mr Paetz suggested limiting the prohibition to identified species⁴¹², but we think there also needs to be greater guidance as to what the extent of the ‘potential’ for spread needs to be to prompt identification, to ensure that the costs of a prohibition are not excessive, relative to the benefits and to make the suggested prohibition practicable, in terms of RPS Policy 10.5.3. We note in this regard the submissions on behalf of Federated Farmers by Mr Cooper that some wilding species are important to farming in the District at higher altitudes. For the same

⁴¹⁰ Submission 600: Supported in FS1091 and FS1209; Opposed in FS1034 and FS1040

⁴¹¹ A combination of circumstances which leads us to reject the suggestion of Mr Farrell that this issue does not justify having a high-level policy addressing it.

⁴¹² Identified in this case meaning identified in the District Plan

reason, we consider there is room for a limited qualification of the policy prohibition, but only if wilding species can be acceptably managed for the life of the planting.

654. Accordingly, we recommend that Policy 3.2.4.4.1 be renumbered 3.3.27 and worded:

“Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting.”

655. We consider that this policy wording is the most appropriate way to achieve Objective 3.2.4.2 in the context of a high-level policy,

3.12. Section 3.2.4.5 Policies – Natural Character of Waterways

656. Policy 3.2.4.5.1 as notified read:

“That subdivision and/or development which may have adverse effects on the natural character and nature conservation values of the District’s lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.”

657. The only amendments sought to this policy sought that reference be added to indigenous biodiversity⁴¹³.

658. Mr Paetz did not recommend any change to the policy as notified.

659. Objectives 6.4.3 and 6.4.8 of the RPS require consideration in this context. Objective 6.4.3 seeks to safeguard life supporting capacity through protecting water quality and quantity. Objective 6.4.8 seeks to protect areas of natural character and the associated values of wetlands, lakes, rivers and their margins. While these objectives are strongly protective of natural character and life-supporting capacity values, the accompanying policies are rather more qualified. Policy 6.5.5 promotes a reduction in the adverse effects of contaminant discharges through, in effect, a ‘maintain and enhance’, approach but with the rider “while considering financial and technical constraints”. Policy 6.5.6 takes a similarly qualified approach to wetlands with an effective acceptance of adverse effects that are not significant or where environmental ‘compensation’ (what we would now call off-setting) is provided. Lastly Policy 6.5.6 takes an avoid, remedy or mitigate approach to use and development of beds and banks of waterways, but poses maintenance (and where practicable enhancement) of life-supporting capacity as a further test.

660. As previously noted, the RPS predates the NPSFM 2014 and therefore, its provisions related to freshwater bodies must therefore be treated with some care. While the NPSFM 2014 is principally directed at the exercise of powers by regional councils⁴¹⁴, its general water quality objectives⁴¹⁵, seeking among other things, safeguarding of life supporting capacity and maintenance or improvement of overall water quality need to be noted. Objective C1 is also relevant, seeking improved integrated management of fresh water and use and development of land. From that perspective, we do not regard there being any fundamental inconsistency between the RPS and the subsequent NPSFM 2014, such as would require implementation of a different approach to that stated in the RPS.

⁴¹³ Submissions 339 and 706: Opposed in FS1015, FS1162, FS1254 and FS1287

⁴¹⁴ The policies are almost all framed in terms of actions regional councils are required to take

⁴¹⁵ Seeking among other things, safeguarding of the life supporting capacity and maintenance or improvement of overall water quality

661. The Kawarau WCO has a different focus to either RPS (operative or proposed) or the NPSFM 2014. It identifies the varying characteristics that make different parts of the catchment outstanding and for some parts of the catchment, directs their preservation as far as possible in their natural state, and for the balance of the catchment⁴¹⁶, directs protection of the characteristics identified as being present. The Kawarau WCO is principally targeted at the exercise of the regional council's powers. To the extent it is relevant to finalisation of the PDP, its division of the catchment, with different provisions applying to different areas, does not lend itself to being captured in a general policy applying across the District.
662. Lastly Policies 3.1.1 and 3.1.2 of the Proposed RPS take a '*maintain and enhance*' position for the different characteristics of water and the beds of waterways, respectively, in the context of an objective⁴¹⁷ seeking that the values of natural resources are "*recognised, maintained or enhanced*".
663. Against this background, we regard the adoption of the '*maintain or enhance*' test in the PDP policy as being both consistent with and giving effect to the relevant higher order documents.
664. An amendment to refer to indigenous biodiversity in this context would not reflect the form of the objective recommended, and so we do not support that change.
665. We do, however, recommend minor drafting amendments so that the policy be put more positively. We also do not consider that the word "*carefully*" adds anything to the policy since one would hope that all of the policies in the PDP will be implemented carefully.
666. Accordingly, we recommend that Policy 3.2.4.5.1 be renumbered 3.3.19 and amended to read:
- "Manage subdivision and/or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced."*
667. We consider that this policy is the most appropriate way in the context of a high-level policy to achieve the objectives of this chapter related to natural character and life supporting capacity of waterways and their margins (3.2.1.7, 3.2.4.1-4 inclusive, 3.2.5.1 and 3.2.5.2).

3.13. Section 3.2.4.6 Policies – Water Quality

668. As notified, policy 3.2.4.6.1 read:

"That subdivision and/or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District."

669. Submissions on the policy sought variously:
- a. Provision for remediation or mitigation of adverse effects on water quality⁴¹⁸;
 - a. Restriction to urban development⁴¹⁹;

⁴¹⁶ Excluding the lower Dart River, the lower Rees River, and the lower Shotover River that have provisions permitting road works and flood protection works.

⁴¹⁷ Proposed RPS, Objective 3.1

⁴¹⁸ Submission 598: Supported in FS1287; Opposed in FS1040

⁴¹⁹ Submission 600: Supported in FS1209; Opposed in FS1034

- b. Avoidance of significant adverse effects⁴²⁰;
- c. Provision for remediation or mitigation where avoidance is not possible⁴²¹;
- d. Avoidance of significant adverse effects on water quality where practicable and avoidance, remediation or mitigation of other adverse effects⁴²²;
- e. Insert reference to adoption of best practice in combination with designing subdivision development and/or to avoid, remedy or mitigate adverse effects⁴²³.

670. Mr Paetz did not recommend any amendment to the policy as notified.

671. The same provisions of the RPS, the NPSFM 2014 and the Proposed RPS as were noted in relation to the previous policy are relevant in this context. We note in particular the qualifications inserted on the management of contaminant discharges in Policy 6.5.5 of the RPS.

672. The RPS also states⁴²⁴ a policy of minimising the adverse effects of land use activities on the quality and quantity of water resources.

673. We accept the general theme of the submissions seeking some qualification of the otherwise absolute obligation to avoid all adverse effects on water quality, irrespective of scale or duration, given that the practical mechanisms to manage such effects (riparian management and setbacks, esplanade reserves, stormwater management systems and the like) are unlikely to meet such a high hurdle, even if that could be justified on an application of section 32 of the Act.

674. We think there is value in the minimisation requirement the RPS directs in combination with a best land use management approach (accepting the thrust of Submission 807 in this regard) so as to still provide clear direction. We do not accept, however, that the policy should be limited to urban development given that the adverse effects of development of land on water quality are not limited to urban environments.

675. While a minimisation policy incorporates avoidance, if avoidance is practically possible, we consider there is value in emphasising that avoidance is the preferred position.

676. In summary therefore, we recommend that Policy 3.2.4.6 be renumbered 3.3.26 and amended to read:

“That subdivision and/or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.”

677. We consider that this policy is the most appropriate way in the context of a high-level policy to achieve the objectives of this chapter related to water quality (3.2.1.8, 3.2.4.1 and 3.2.4.4).

3.14. Section 3.2.4.7 Policies – Public Access

678. Policy 3.2.4.7.1 as notified read:

⁴²⁰ Submission 768
⁴²¹ Submission 805
⁴²² Submission 635: Supported in FS1301
⁴²³ Submission 807
⁴²⁴ RPS, Policy 5.5.5

“Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.”

679. One submission seeking amendment to this policy⁴²⁵ sought to emphasise that any public access needs to be ‘safe’ and would substitute the word “considered” for “sought”.
680. Another submission⁴²⁶ sought that specific reference be made to recreation opportunities.
681. Mr Paetz does not recommend any amendment to this policy.
682. Policy 6.5.10 of the RPS targets maintenance and enhancement of public access to and along the margins of water bodies. This is achieved through “encouraging” retention and setting aside of esplanade strips and reserves and access strips and identifying and providing for other opportunities to improve access. There are a number of exceptions specified in the latter case⁴²⁷, but the thrust of the policy is that exceptional reasons are required to justify restriction of public access.
683. Objective 5.1 of the Proposed RPS seeks maintenance and enhancement of public access of all areas of value to the community. Policy 5.1.1, supporting that objective, takes a similar approach to the RPS, directing maintenance and enhancement of public access to the natural environment unless one of a number of specified criteria apply.
684. Neither of the higher order documents require that all opportunities for enhancing public access be seized.
685. While reference to public safety would be consistent with both the RPS and the Proposed RPS, we do not consider that the amendments sought in Submission 519⁴²⁸ are necessary. The policy as it stands does not require public access, it suggests that public access be sought. Whether this occurs will be a matter for decision on a case by case basis, having regard as appropriate, to the regional policy statement operative at the time. The provisions of both the RPS and the Proposed RPS would bring a range of matters into play at that time, not just health and safety.
686. Similarly, we do not consider specific reference to recreational opportunities is required. Public access to the natural environment necessarily includes the opportunity to recreate, once in that environment (or that part of the natural environment that is publicly owned at least). If the motive underlying the submission is to enable commercial recreation activities then in our view, it needs to be addressed more directly, as an adjunct to provision for visitor industry activities, as was sought by Kawarau Jet Services Ltd⁴²⁹ in the form of a new policy worded:

“Provide for a range of appropriate Recreational and Commercial Recreational activities in the rural areas and on the lakes and rivers of the District.”

687. The suggested policy does not identify what might be an appropriate range of activities, or how issues of conflict between commercial operators over access to the waterways of the

⁴²⁵ Submission 519: Supported in FS1015; Opposed in FS1356

⁴²⁶ Submission 836: Supported in FS1097, FS1341 and FS1342

⁴²⁷ Including health and safety

⁴²⁸ Supported by the evidence of Mr Vivian

⁴²⁹ Submission 307: Supported in FS1097, FS1235, FS1341

District (previously an issue in a number of Environment Court cases) might be addressed. For all that, the suggested policy has merit. We will discuss shortly the appropriate policy response to commercial recreation activities in rural areas generally. We think the more specific issue of commercial recreation activities on the District's waterways is more appropriately addressed in Chapter 6 and we will return to it there.

688. We therefore recommend only a minor drafting change to put the policy (renumbered 3.3.28) more positively as follows:

"Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development."

689. We consider that this wording in the context of a high-level policy is the most appropriate way to achieve objective 3.2.4.5.

3.15. Section 3.2.4.8 – Policies – Climate Change

690. The sole policy under this heading read as notified:

"Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District".

691. Submissions seeking changes to this policy sought variously:

- a. To be less directive, seeking encouragement where possible and deletion of reference to greenhouse gas emissions⁴³⁰;
- b. Retaining the existing wording, but deleting the connection to greenhouse gas emissions⁴³¹;
- c. Opposed it generally on the basis that suggested policy does not implement the objective⁴³².

692. Mr Paetz did not recommend any amendment to the policy.

693. We see a number of problems with this policy. As Submission 519 identified, not all development is going to be within existing urban areas. Quite apart from the fact that the UGBs provide for controlled growth of the existing urban areas, non-urban development will clearly take place (and is intended to take place) outside the UGBs.

694. If the policy were amended to be restricted to urban development, as we suspect is the intention, it would merely duplicate the UGB policies and be unnecessary.

695. In summary, we recommend that the most appropriate way to achieve the objectives of this chapter is if Policy 3.2.4.8.1 is deleted.

696. That is not to say that the PDP has no role to play in relation to climate change. We have already discussed where and how it might be taken into account in the context of Objective 3.2.4.8.

⁴³⁰ Submission 519: Supported in FS1015; Opposed in FS1356

⁴³¹ Submissions 519 and 598: Supported in FS1015 and FS1287; Opposed in FS1356

⁴³² Submission 798

697. Submission 117 sought a new policy to be applied to key infrastructure and new developments, relating to adaption to the effects of climate change. The submission specifically identified hazard management as the relevant adaptation.
698. We have already recommended specific reference to the need to take climate change into account when addressing natural hazard issues in the context of Objective 3.2.2.1.
699. We view further policy provision for adaption to any increase in natural hazard risk associated with climate change better dealt with as an aspect of management of development in both urban and rural environments rather than more generally. Accordingly, we will return to it in the context of our Chapter 4 and 6 reports.
700. We note that notified Policy 3.2.1.3.2 related to adaptation to climate change in other respects. We discuss that policy below.

3.16. Section 3.2.5 Policies - Landscape

701. As notified, Policy 3.2.5.1.1 related both to identification of ONLs and ONFs on the District Plan maps and to their protection.
702. In his Section 42A Report, Mr Paetz recommended that the policy be deleted on the basis that it duplicated matters that were better addressed in Chapter 6.
703. By his reply evidence, Mr Paetz had reconsidered that view and recommended that the first part of the policy, providing for identification of ONLs and ONFs on the plan maps, be reinstated.
704. Submissions on the policy as notified sought variously:
- a. Either deletion of the ONL and ONF lines from the planning maps or alteration of their status so that they were indicative only⁴³³;
 - b. Qualifying the extent of protection to refer to inappropriate subdivision, use and development⁴³⁴;
 - c. Qualifying the reference to protection, substituting reference to avoiding, remedying or mitigating adverse effects, or alternatively management of adverse effects⁴³⁵.
705. The argument that ONLs and ONFs should not be identified on the planning maps rested on the contention (by Mr Haworth for UCES) that the lines as fixed are not credible. The exact location of any ONL and ONF lines on the planning maps is a matter for another hearing. However, we should address at a policy level the contention that there is an inadequate basis for fixing such lines and that establishing them will be fraught and expensive.
706. Dr Marion Read gave evidence on the work she and her peer reviewers undertook to fix the ONL and ONF lines. While Dr Read properly drew our attention to the fact that the exercise she had undertaken was not a landscape assessment from first principles, she clarified that qualification when she appeared before us. In Dr Read's view, the impact of not having worked from first principles was very minor in terms of the robustness of the outcome.

⁴³³ Submission 145: Supported in FS1097; Opposed in FS1162 and FS1254

⁴³⁴ Submissions 355, 519, 598, 600, 805: Supported in FS1015, FS1117, FS1209 and FS1287; Opposed in FS1034, FS1097, FS1282, FS1320 and FS1356

⁴³⁵ Submissions 519, 607, 615, 621, 624, 716: Supported in FS1015, FS1097, FS1105 and FS1137; Opposed by FS1282 and FS1356

707. That may well be considered something of an understatement given that Dr Read explained that she had gone back to first principles for all of the new ONL and ONF lines she had fixed. The areas where there might be considered a technical deficiency for failure to go back to first principles were where she had relied on previous determinations of the Environment Court.
708. We think it was both pragmatic and sensible on Dr Read's part that where the Environment Court had determined the location of an ONL or ONF line she took that as a given rather than reinventing that particular wheel. We asked a number of the parties who appeared before us if it was appropriate to rely on Environment Court decisions in this regard, and there was general agreement that it was⁴³⁶.
709. In summary, we do not accept the submission that the ONL and ONF lines are not credible. That is not to say that we accept that they are correct in every case and at every location. As above, that is a matter for differently constituted hearing panels to consider, but we are satisfied that the process that has been undertaken for fixing them is robust and can be relied upon unless and until credible expert evidence calls the location of those lines into question.
710. So far as the question of costs and benefits is concerned, Dr Read accepted in evidence before us that the process for confirming the lines set out in the planning maps will likely be fraught and expensive but as she observed, the current process where the status of every landscape (as an ONL, ONF, VAL or ORL) has to be determined as part of the landscape assessment for the purposes of a resource consent application is fraught and expensive. She did not know how one would go about trying to quantify and compare the relative costs of the two and neither do we.
711. What we do know is that the Environment Court found in 1999 that one could not properly state objectives and policies for areas of outstanding natural landscape unless they had been identified⁴³⁷. In that same decision, it is apparent that the Court approached the appeals on what ultimately became the ODP with considerable frustration that with certain notable exceptions, the parties appearing before it (including the Council) had not identified what they contended to be the boundaries of ONLs or ONFs. It appears⁴³⁸ that the only reason that the Court did not fix lines at that point was the amount of effort and time that it would take to undertake a comprehensive assessment of the District. We are not in that position. The assessment has been undertaken by Dr Read and her peer reviewers to arrive at the lines currently on the maps. All the parties who have made submissions on the point will have the opportunity to call expert evidence to put forward a competing viewpoint in the later hearings on mapping issues.
712. Most importantly, at the end of the process, the Council will have recommendations as to where those lines should be based on the best available evidence.
713. We accept that even after they are fixed, it will still be open to parties to contend that a landscape or feature not currently classified in the plan as an ONL or ONF is nevertheless outstanding and should be treated as such for the purposes of determination of a future

⁴³⁶ Mr Goldsmith for instance expressed that view (for Allenby Farms Ltd, Crosshill Farms Ltd and Mt Cardrona Station Ltd). We note however that some parties sought to draw a distinction between lines that had been drawn by the Court after a contested hearing of landscape experts and those that were the result of consent orders and/or where the issue was not contested.

⁴³⁷ C180/99 at [97]

⁴³⁸ From paragraph [99]

resource consent process⁴³⁹. Nevertheless, we think there is value in the PDP providing direction in this regard.

714. We also note that Policy 3.2.3 of the Proposed RPS directs that areas and values, among other things, of ONLs and ONFs be identified. We are required to have regard to that policy and that is exactly what the PDP does. It defines areas of ONLs and ONFs. We note the submission of Otago Regional Council in this regard⁴⁴⁰, supporting the identification of ONLs and ONFs, reflecting in turn the policies of the Proposed RPS directing identification of outstanding and highly-valued features and landscapes we have previously discussed⁴⁴¹.
715. In summary, we do not accept the UCES submission that the ONL/ONF lines should be deleted, or alternatively tagged as being indicative only.
716. The secondary question is whether if, as we would recommend, Policy 3.2.5.1.1 is retained, it, or a subsequent strategic policy in this part of Chapter 3, should specify what course of action is taken consequential on that identification or whether, as Mr Paetz recommends, those matters should be dealt with in Chapter 6.
717. In summary, we recommend that a separate policy be inserted following what was Policy 3.2.5.1.1 stating in broad terms that the policy is for management of activities affecting ONLs and ONFs. Quite simply, we see this as part of the strategic direction of the Plan. While Chapter 6 contains more detailed provisions, Chapter 3 should state the overall policy.
718. We have already discussed at some length the appropriate objective for ONLs and ONFs, considering as part of that analysis, the relevant higher order provisions, and concluding that the desired outcome should be that the landscape and visual amenity values and natural character of ONLs and ONFs are protected against the adverse effects of subdivision use and development that are more than minor and/or not temporary in duration.
719. To achieve that objective, we think it is necessary to have a high-level policy addressing the need to avoid more than minor adverse effects on those values and on the natural character of ONLs and ONFs that are not temporary in duration.
720. We have had regard to the many submissions we received at the hearing emphasising the meaning given to the term “avoid” by the Supreme Court in *King Salmon* (not allow or prevent the occurrence of⁴⁴²).
721. It was argued for a number of parties that an avoidance policy in relation to ONLs and ONFs would create a ‘dead hand’ on all productive economic activities in a huge area of the District.
722. A similar ‘*in terrorem*’ argument was put to the Supreme Court in *King Salmon* which rejected the contention that the interpretation they had given to the relevant policies of the NZCPS would be unworkable in practice⁴⁴³. The Court also drew attention to the fact that use and development might have beneficial effects rather than adverse effects.

⁴³⁹ Refer Unison Networks Limited v Hastings District Council CIV2007-485-896

⁴⁴⁰ Submission 798

⁴⁴¹ Proposed RPS, Policies 3.2.3 and 3.2.5

⁴⁴² [2014] NZSC38 at [93]

⁴⁴³ See [2014] NZSC38 at [144]-[145]

723. The evidence we heard was that many of the outstanding landscapes in the District are working landscapes. Dr Read’s evidence is that the landscape character reflects the uses currently being made of it and in some cases, the character of the landscapes is dependent on it. Clearly continuation of those uses is not inconsistent with the values that lead to the landscape (or feature) in question being categorised as outstanding.
724. Our recommendation makes it clear that minor and temporary effects are not caught by this policy. That will permit changes to current uses that are largely consistent with those same values. If a proposal would have significant adverse effects on an ONL or an ONF, in our view and having regard to the obligation on us to recognise and provide for the preservation of ONLs and ONFs, that proposal probably should not gain consent.
725. In summary therefore, we recommend that there be two policies in relation to ONLs and ONFs in Chapter 3 (numbered 3.3.29 and 3.3.30) reading as follows:
- “Identify the District’s Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps.”*
- “Avoid adverse effects on the landscape and visual amenity values and natural character of the District’s Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor in extent and or not temporary in duration.”*
726. We consider that these policies are the most appropriate way to achieve Objective 3.2.5.1, in the context of the package of high-level policies recommended in this report.
727. Turning to non-outstanding landscapes, Policy 3.2.5.2.1 as notified read:
- “Identify the district’s Rural Landscape Classification on the District Plan maps, and minimise the effects of subdivision, use and development on these landscapes.”*
728. With the exception of UCES⁴⁴⁴, who submitted (consistently with its submission on Policy 3.2.5.1.1) that there should be no determinative landscape classifications on planning maps, most submitters accepted the first half of the policy (identifying the Rural Landscape Classification on the maps) and focussed on the consequences of that identification. Many submitters sought that adverse effects on these landscapes be avoided, remedied or mitigated either by amending the policy or by adding a stand-alone policy to that effect⁴⁴⁵. Some of those submitters also sought reference to inappropriate subdivision, use and development.
729. Another option suggested was to substitute ‘manage’ for ‘minimise’⁴⁴⁶.
730. Mr Paetz recommended that the policy be deleted on the basis that both aspects of the policy were better addressed in Chapter 6.
731. We do not concur. Consequential on the recommendation as above, that the policies for ONLs and ONFs should state both the intention to identify those landscapes and features on the planning maps and separately and in broad terms, the course of action proposed, we consider

⁴⁴⁴ Submission 145: Supported in FS1097; Opposed in FS1162

⁴⁴⁵ Submissions 437, 456, 513, 515, 522, 531, 532, 534, 535, 537, 608, 643, 696, 805: Supported in FS1097, FS1256, FS1286, FS1292, and FS1322; Opposed in FS1034, FS1068, FS1071 and FS1120

⁴⁴⁶ Submission 519, 598: Supported in FS1015, FS1117 and FS1292; Opposed in FS1282 and FS1356

that it follows that Chapter 3 should also follow the same format for non-outstanding landscapes.

732. It is also consequential on the recommendations related to the ONL and ONF policies that that we do not recommend that the UCES submission be accepted. Having identified ONLs and ONFs on the planning maps, there seems to be little point in not identifying the balance of the rural landscape.

733. Accordingly, the only suggested changes are minor drafting issues and a change of terminology, consequential on the recommendation as above that these balance rural landscapes be termed Rural Character Landscapes so that the renumbered Policy 3.3.31 would read:

“Identify the District’s Rural Character Landscapes on the District Plan Maps.”

734. Turning to the consequences of identification, a number of the submitters on this policy noted the need for it to reflect the terminology and purpose of the Act. This is an example of the general point made at an earlier part of this report, where utilising the terminology of the Act provides no direction or guidance as to the nature of the course of action to be undertaken.

735. This is still more the case with those submissions seeking that adverse effects be managed.

736. For these reasons, we do not recommend acceptance of the relief sought in these submissions.

737. We do, however, accept that the focus on minimising adverse effects is not entirely satisfactory.

738. While we do not accept the opinion of Mr Ben Farrell (that a policy of minimising adverse effects is ambiguous), the relevant objective we have recommended seeks that rural character and amenity values in these landscapes be maintained and enhanced by directing new subdivision, use and development to occur in appropriate areas – areas that have the potential to absorb change without materially detracting from those values.

739. We also have regard to notified Policy 6.3.5.1 which states that subdivision and development should only be allowed *“where it will not degrade landscape quality or character, or diminish identified visual amenity values.”*

740. We think that particular policy goes too far, seeking no degradation of landscape quality and character and diminution of visual amenity values and needs to have some qualitative test inserted⁴⁴⁷, but the consequential effect of aligning the policy with the objective together with incorporating elements from Policy 6.3.5.1 is that the policy addressing activities in Rural Character Landscapes should be renumbered 3.3.32 and read:

“Only allow further land use change in areas of the Rural Character Landscape able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.”

741. We consider that the recommended Policies 3.3.31 and 3.3.32 are the most appropriate way to achieve Objectives 3.2 1.9 and 3.2.5.2, in the context of the package of high-level policies recommended in this report.

⁴⁴⁷ To that extent we accept the substance of Submissions 456, 598 and 806 on Policy 6.3.5.1.

3.17. Section 3.2.5.3 – Policies – Urban Development

742. As notified, this policy read:

“Direct urban development to be within urban growth boundaries (UGBs) where these apply, or within the existing rural townships.”

743. Mr Paetz recommended that this policy be amended to provide both for urban development within and outside UGBs.

744. Either in its notified form or as Mr Paetz has recommended it be amended, this policy entirely duplicates the policies discussed above related to urban development (the recommended revised versions of Policies 3.2.2.1.2 and 3.2.2.1.6).

745. Accordingly, we recommend that the most appropriate way to achieve the objectives of this chapter related to urban development is that it be deleted, consistent with the Real Journeys’ submission that duplication generally be avoided.

3.18. Section 3.2.5.4 Policies – Rural Living

746. As notified, these two policies addressed provision for rural living as follows:

“3.2.5.4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

3.2.5.4.2 Provide for rural living opportunities in appropriate locations.”

747. There were two submissions on Policy 3.2.5.4.1, one seeking its deletion on the basis that it may conflict with case law related to weighting of cumulative effects, the permitted baseline and the future environment⁴⁴⁸ and the other seeking more effective guidance on how much development is too much⁴⁴⁹.

748. Most of the submissions on Policy 3.2.5.4.2 supported the policy in its current form. One submitter⁴⁵⁰ sought that the Council should continue with its plans to rezone land west of Dalefield Road to Rural Lifestyle or Rural Residential, but did not seek any specific amendment to the policy. Mr Paetz did not recommend any change to the wording of these policies.

749. While we do not support the submission seeking that Policy 3.2.5.4.1 be deleted, the submitter has a point in that the policy is expressed so generally that it may have consequences that cannot currently be foreseen. Notwithstanding that, clearly cumulative effects of residential activity is an issue requiring careful management, as we heard from Dr Read. The problem is that a policy indicating that cumulative effects will be given *“careful consideration”* is too non-specific as to what that careful consideration might entail. As Submission 806 suggests, greater clarity is required as to how it will operate in practice.

750. The policies of Section 6.3.2 (as notified) give some sense of what is required (acknowledging the finite capacity of rural areas to accommodate residential development, not degrading landscape character and visual amenity, taking into account existing and consenting

⁴⁴⁸ Submission 519: Supported in FS1015; Opposed in FS1356

⁴⁴⁹ Submission 806: Supported in FS1313

⁴⁵⁰ Submission 633

subdivision or development). We recommend that some of these considerations be imported into policy 3.2.5.4.1 to confine its ambit, and thereby address the submitter's concern.

751. One issue in contention was whether the description in the ODP of rural non-outstanding landscapes as being "*pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes*"⁴⁵¹ should be retained. Mr Goldsmith⁴⁵² argued that this description, which was coined by the Environment Court⁴⁵³, should be retained if circumstances have not changed.
752. The evidence of Dr Read was that this description has proven confusing, and has been interpreted as a goal, rather than as a description. Her June 2014 Report⁴⁵⁴ fleshed this out, suggesting that neither lay people nor professionals have had a clear understanding of what an arcadian landscape is, and that a focus on replicating arcadia has produced an English parkland character in some areas of the Wakatipu Basin that, if continued, would diminish the local indigenous character.
753. Dr Read also emphasised the need to acknowledge the differences between the character of the Upper Clutha Basin and the Wakatipu Basin.
754. Mr Goldsmith acknowledged those differences but suggested to us that the PDP treated the Wakatipu Basin as if it were the Hawea Flats, whereas his description of the ODP was that it did the reverse (i.e. treated the Hawea Flats as they were the Wakatipu Basin)⁴⁵⁵.
755. We take his point and have accordingly looked for a broader description that might exclude ONL's and ONF's (where the focus is necessarily on protection rather than enabling development), but capture both areas, while allowing their differences (and indeed the differences in landscape character within the Wakatipu Basin that Mr Goldsmith sought recognition for) to be taken into account.
756. Mr Jeff Brown⁴⁵⁶ suggested to us that the ultimate goal is met if the character of an area remains '*rural*'⁴⁵⁷, and therefore the test should be if the area retains a rural '*feel*'. While this comes perilously close to a test based on the '*vibe*'⁴⁵⁸, we found Mr Brown's evidence helpful and have adapted his suggested approach to provide a more objective test.
757. The interrelationship with Policy 3.2.5.4.2 also needs to be noted. Better direction as to what a careful consideration of cumulative effects means, requires, among other things, identification of where rural living opportunities might be appropriate. As Submission 633 notes, one obvious way in which the PDP can and does identify such appropriate locations is through specific zones. Another is by providing greater direction of areas within the Rural Zone

451 ODP 4.2.4(3)

452 Addressing us on this occasion on behalf of GW Stalker Family Trust and others

453 In C180/99

454 '*Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment*'

455 Legal Submissions for GW Stalker and others at 6.3(c)

456 Giving evidence on behalf of Ayrburn Farms Ltd, Bridesdale Farms Developments Ltd, Shotover Park Ltd and Trojan Helmet Ltd

457 NZIA's Submission 238 makes a similar point

458 Refer the film, 'The Castle' (1997)

where rural living developments are not appropriate⁴⁵⁹. We agree that a greater level of direction would assist plan users in this regard.

758. In summary, we recommend the following amendments to Policies 3.2.5.4.1 and 3.2.5.4.2 (renumbered 3.3.22 and 3.3.24), together with addition of a new Policy 3.3.23 as follows:

“Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments.

Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas.

Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.”

759. We consider that the combination of these policies operating in conjunction with recommended Policies 3.3.29-3.3.32, are the best way in the context of high-level policies to achieve Objectives 3.2.1.8, 3.2.5.1 and 3.2.5.2, as those objectives relate to rural living developments.
760. It is appropriate at this point that we address the many submissions we had before us from infrastructure providers seeking greater recognition of the needs of infrastructure.
761. Objective 3.2.1.9 discussed above is the reference point for any additional policies on infrastructure issues.
762. In the rural environment, the principal issue for determination is whether infrastructure might be permitted to have greater adverse effects on landscape values than other development, and if so, in what circumstances and to what extent. Consideration also has to be given as to whether recognition needs to be given at a strategic level to reverse sensitivity effects on infrastructure in the rural environment.
763. Among the suggestions from submitters, new policies were sought to enable the continued operation, maintenance, and upgrading of regionally and nationally significant infrastructure and to provide that such infrastructure should where practicable, mitigate its impacts on ONLs and ONFs ⁴⁶⁰.

⁴⁵⁹ Mr Goldsmith (on this occasion when appearing for GW Stalker Family Trust and Others) suggested to us that specific areas might be identified and nominated the north side of Malaghans Road and a portion of Speargrass Flat Road as potential areas that could be specifically identified as being unable to absorb further development, rather than relying on generic policies. Mr Ben Farrell similarly supported what he termed a finer grained approach to management of the Wakatipu Basin. We note that PDP Chapter 24 notified as part of the Stage 2 Variations seeks to provide greater guidance to development within the Wakatipu Basin

⁴⁶⁰ Submissions 251, 433: Supported in FS1077, FS1092, FS1097, FS1115, FS1121 and FS1211; Opposed in FS1040 and FS1132

764. Transpower New Zealand Limited⁴⁶¹ sought the inclusion of a new definition for regionally significant infrastructure which would include:
- a. *“Renewable electricity generation facilities, where they supplied the National Electricity Grid and local distribution network; and*
 - b. *The National Grid; and*
 - c. *The Electricity Distribution Network; and*
 - d. *Telecommunication and Radio Community facilities; and*
 - e. *Road classified as being of national or regional importance; and*
 - f. *Marinas and airports; and*
 - g. *Structures for transport by rail”.*
765. Transpower’s focus on nationally and regionally significant infrastructure is consistent with Policy 4.3.2 of the Proposed RPS, which now reads:
- a. *“Recognise the national and regional significance of all of the following infrastructure:*
 - b. *Renewable electricity generation activities, where they supply the national electricity grid and local distribution network;*
 - c. *Electricity transmission infrastructure;*
 - d. *Telecommunication and radiocommunication facilities;*
 - e. *Roads classified as being of national or regional importance;*
 - f. *Ports and airports and associated navigation infrastructure;*
 - g. *Defence facilities;*
 - h. *Structures for transport by rail.”*
766. This policy wording differs from the corresponding policy (3.5.1) in the notified version of the Proposed RPS that was the relevant document at the date of hearing⁴⁶² in the following material respects:
- a. (a) now applies to renewable electricity generation “activities”, rather than facilities;
 - b. Reference to associated navigation infrastructure has been added to (e);
 - c. Recognition of defence facilities is new.

In addition, the term ‘*electricity transmission infrastructure*’ is now defined to mean the National Grid (adopting the definition in the NPSET 2008).

767. The submission of Aurora Energy Limited⁴⁶³ suggested a different definition of regionally significant infrastructure that varied from both that suggested by Transpower and the Proposed RPS, but included among other things, electricity distribution networks, community water supply systems, land drainage infrastructure and irrigation and stock water infrastructure. Aurora also sought the inclusion of an additional definition for ‘*critical electricity lines*’⁴⁶⁴.
768. Mr Paetz’s Section 42A Report largely adopted the ‘*definition*’ of regionally significant infrastructure in the notified version of the Proposed RPS with the following changes:

⁴⁶¹ Submission 805: Supported in whole or in part in FS1077, FS1106, FS1121, FS1159, FS1208, FS1211, FS1253 and FS1340

⁴⁶² And that obviously formed the basis of the relief sought in the Transpower submission

⁴⁶³ Submission 635: Supported in whole or in part in FS1077, FS1097 and FS1211; Opposed in FS1132

⁴⁶⁴ Opposed in FS1301 and FS1322

- a. Mr Paetz recommended that renewable electricity generation facilities qualify where they are operated by an electricity operator (a defined term under the Electricity Act 1992) so as to exclude small and community-scale electricity generators;
 - b. He suggested reference to '*designated*' airports;
 - c. He deleted reference to ports, there being none in a landlocked District;
 - d. He deleted reference to rail structures, there being no significant rail lines within the District.
769. This recommendation produced considerable discussion and debate during the course of the hearing.
770. QAC pointed out that Glenorchy is a designated airport, but one would struggle to regard it as regionally significant. QAC agreed that reference might appropriately be limited to Queenstown and Wanaka airports.
771. Transpower New Zealand Limited expressed considerable concern that the National Grid was not specifically mentioned. We found this a little puzzling since the NPSET uses the term '*electricity transmission infrastructure*' and the National Grid clearly comes within that term (the NPSET 2008 in fact defines them to be one and the same thing). Also, quite apart from the NPSET 2008, no one could seriously contend that the National Grid was not regionally and nationally significant.
772. The discussion we had with representatives of Transpower did however, highlight an issue at the other end of the spectrum. While the Decisions Version of the Proposed RPS now puts it beyond doubt (by adopting the NPSET 2008 definition), the general term '*electricity transmission infrastructure*' could be argued to include every part of the electricity transmission network, down to individual house connections, which while extremely important to the individuals concerned, could not be considered regionally significant.
773. We invited the representative of Aurora Energy, Ms Dowd, to come back to us with further information on those parts of Aurora's electricity distribution network that might properly be included within the term regionally significant infrastructure. She identified those parts of the Aurora Network operating at 33kV and 66kV and four specific 11kV lines servicing specific communities. Ms Dowd also drew our attention to the fact that a number of other Regional Policy Statements and District Plans have a focus on "*critical infrastructure*".
774. In Mr Paetz's reply evidence, he suggested a further iteration of this definition to limit electricity transmission infrastructure to the National Grid (necessarily excluding any electricity transmission lines in the Aurora network), add reference to key centralised Council infrastructure, and refer only to Queenstown and Wanaka airports.
775. Having regard to the Proposed RPS, as we are bound to do, we take the view that the focus should primarily be on regionally significant infrastructure (not some more broad ranging description such as '*critical*' infrastructure).
776. Secondly, identification of '*regionally*' significant infrastructure is primarily a matter for the Regional Council, except where the Proposed RPS might be considered ambiguous or inapplicable.
777. We therefore agree with Mr Paetz that reference to ports and rail structures might be deleted.

778. We cannot recommend acceptance of Mr Paetz’s suggestion that key Council infrastructure should be included. While it would satisfy the Aurora test of critical infrastructure, the Regional Council has not chosen to identify it as regionally significant and while critical to the District, it is difficult to contend that it has significance beyond the District boundaries.
779. For similar reasons, we do not recommend identifying particular aspects of the Aurora distribution network. Again, while they would meet a test of critical infrastructure from the District’s perspective, the Regional Council has not identified them as *‘regionally significant’* – in the Decisions Version of the Proposed RPS, the Regional Council has explicitly excluded electricity transmission infrastructure that does not form part of the National Grid. Mr Farrell’s contention that tourism infrastructure should be included within *‘regionally significant infrastructure’* fails for the same reasons.
780. We also think that the reference to roads of national or regional significance can be simplified. These are the state highways.
781. Reference to Airports can, as QAC suggested, be limited to Queenstown and Wanaka Airports, but as a result of the amendment in the Proposed RPS to the relevant policy, reference should be made to associated navigation infrastructure.
782. We do not consider, however, that reference needs to be made to defence facilities. NZ Defence Force did not seek that relief in its submission⁴⁶⁵ which is limited to relief related to temporary activities (in Chapter 35), from which we infer the Defence Force has no permanent facilities in the District. Certainly, we were not advised of any.
783. Lastly, the representatives of Transpower New Zealand Limited advised us that there are no electricity generation facilities supplying the National Grid in the District. The Roaring Meg and Wye Creek hydro generation stations are embedded in the Aurora line network and the Hawea Control Structure stores water for the use of the large hydro generation plants at Clyde and Roxburgh (outside the District) but does not generate any electricity of its own. We think that having regard to Policy A of the NPSREG 2011, this aspect of the definition needs to be amended to recognise the national significance of those activities.
784. In summary, we recommend that the Stream 10 Hearing Panel consider a definition of regionally significant infrastructure for insertion into the PDP as follows:
- “Regionally significant infrastructure – means:*
- a. Renewable electricity generation activities undertaken by an electricity operator; and*
 - b. The National Grid; and*
 - c. Telecommunication and radiocommunication facilities; and*
 - d. State highways; and*
 - e. Queenstown and Wanaka Airports and associated navigation infrastructure.”*

785. This then leaves the question of the extent to which recognition of regionally significant infrastructure is required in the PDP.

786. Mr Paetz did not recommend an enabling approach to new infrastructure given the potential conflicts with section 6(a) and (b) of the Act.

⁴⁶⁵ Submission 1365

787. We appreciate his point. The Proposed RPS would not require that and in the extensive discussion earlier regarding the inter-relationship between significant infrastructure, in particular the National Grid, and the objective related to ONLs and ONFs, we concluded that the NPSET 2008 did not require provisions that would permit development of the National Grid in ways that would have significant adverse effects on ONLs and ONFs.
788. We do think, however, that it would be appropriate to provide some recognition to the locational constraints that infrastructure can be under.
789. Nor are locational constraints solely limited to infrastructure. The District has a number of examples of unique facilities developed for the visitor industry in the rural environment that by their nature, are only appropriate in selected locations. We have also already discussed submissions on behalf of the mining industry seeking to provide for the location-specific nature of mining⁴⁶⁶.
790. As with infrastructure, provisions providing for such developments cannot be too enabling, otherwise they could conflict with the Plan's objectives (and the relevant higher order provisions) related to the natural character of waterways, ONLs and ONFs and areas of indigenous vegetation and significant habitats of indigenous fauna. However, we consider that it is appropriate to make provision for such facilities.
791. Accordingly, we recommend that the following policy (numbered 3.3.25) be inserted:
- “Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the quality of the rural environment.”*
792. So far as regionally significant (and other) infrastructure in rural areas is concerned, this general recognition will need to be augmented by more specific policies. We will return to the point in the context of Chapter 6.
793. We have also considered the separate question, as to whether specific provision needs to be made for reverse sensitivity effects on infrastructure (regionally significant or otherwise) at a strategic level, in the rural environment. Clearly the Proposed RPS (Policy 4.3.4) supports some policy provision being made and we accept that this is an issue that needs to be addressed. The only issue is where it is best covered. We have concluded that this is a matter that can properly be left for the Utilities and Subdivision Chapters of the PDP.
794. This leaves open the question of provision for infrastructure in urban environments. We have taken the view that with limited exceptions, the high-level policy framework for urban development should be addressed in an integrated manner in Chapter 4. Consistent with that position, we will return to the question of infrastructure in that context.
795. It follows that we consider that recommended Policy 3.3.25 is the most appropriate way to achieve Objectives 3.2.1.8, 3.2.1.9, 3.2.5.1 and 3.2.5.2 as they relate to locationally-constrained developments, supplemented by more detailed policies in Chapters 4, 27 and 30.

3.19. Section 3.2.5.5 Policies – Ongoing Agricultural Activities

796. As notified there are two related policies on this subject that read as follows:

⁴⁶⁶ Policy 5.3.5 of the Proposed RPS also supports recognition of mining in this context

- “3.2.5.5.1 Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values;
 3.2.5.5.2 Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.”

797. These policies attracted a number of submissions.
798. Some submissions sought deletion of Policy 3.2.5.5.1⁴⁶⁷.
799. Many other submissions sought that Policy 3.2.5.5.1 be broadened to refer to “*other activities that rely on rural resources*.”⁴⁶⁸
800. Some submissions sought deletion of the qualification referring to significant nature conservation values⁴⁶⁹.
801. Many of the same submitters sought that Policy 3.2.5.5.2 be broadened, again to refer to activities that rely on rural resources, and to expand the reference to agricultural land use to include “*other land uses*”⁴⁷⁰.
802. Other more minor changes of emphasis were also sought.
803. Consideration of these policies takes place against a background of evidence we heard from Mr Philip Bunn of the challenges farmers have in continuing to operate in the District, particularly in the Wakatipu Basin.
804. The theme of many of the submitters who appeared before us was to challenge the preference given to farming over other land uses. As such, this formed part of the more general case seeking recognition of non-farming activities in the rural environment, particularly visitor industry related activities and rural living, but also including recreational use⁴⁷¹.
805. We discussed with the counsel and expert planners appearing for those submitters the potential ambit of a reference to activities “*relying on rural resources*”. From the answers we received, this is a somewhat elastic concept, depending on definition. Some counsel contended, for instance, that rural living (aka houses) would satisfy the test of being reliant on rural resources⁴⁷².

⁴⁶⁷ Submissions 598, 608, 696: Supported in FS1097 and FS1287; Opposed in FS1034, FS1091, and FS1132

⁴⁶⁸ Submissions 345, 375, 437, 456, 513, 515, 522, 531, 532, 534, 535, 537: Supported in FS1097, FS1256, FS1286 and FS1322; Opposed in FS1068, FS1071, FS1120 and FS1282

⁴⁶⁹ Submissions 701 and 784: Supported in FS1162

⁴⁷⁰ Submissions 343, 345, 375, 437, 456, 515, 522, 531, 532, 534, 535: Supported in FS1097, FS1292 and FS1322; Opposed in FS1068, FS1071 and FS1282. See also Submissions 607, 615, 643; Supported in FS1097, FS1105 and FS1077 to like effect

⁴⁷¹ See e.g. submission 836

⁴⁷² For example, Ms Wolt advanced that position, appearing for Trojan Helmet Ltd, and supported by Mr Jeff Brown’s evidence. Mr Tim Williams, giving planning evidence for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd & DE, ME Bunn & LA Green, AK & RB Robins & Robins Farm Ltd, Slopehill JV, expressed the same opinion from a planning perspective. By contrast Chris Ferguson, the planning witness for Darby Planning LP and Hansen Family Partnership, suggested that a slightly different test (functional need) would be met by rural contracting depots but not by ‘*rural living*’.

806. We have made recommendations above as to how use of rural land for rural living should be addressed at a strategic policy level. We therefore do not consider that changes are necessary to these policies to accommodate that point, particularly given the potential ambiguities and definitional issues which might arise.

807. Turning to use of rural land by the visitor industry, Policy 6.3.8.2 provides wording that in our view is a useful starting point. As notified, this policy read:

“Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values.”

808. This wording would respond to the evidence of Mr Jeff Brown on behalf of Kawarau Jet Services Limited supporting specific reference to commercial recreational activities in recreational areas and on lakes and rivers in the district⁴⁷³. We do not think that specific reference needs to be made to lakes and rivers in this context, as, with the exception of Queenstown Bay, they are all within the Rural Zone. As discussed above, any unique issues arising in relation to waterways can more appropriately be addressed in Chapter 6.

809. Policy 6.3.8.2 was supported by Darby Planning LP⁴⁷⁴, but a number of other submissions with interests in the visitor industry sector sought amendments to it. Some submissions⁴⁷⁵ sought that the policy refer only to managing adverse effects of landscape quality, character and visual amenity values. Others sought that the policy be more positive towards such activities. Real Journeys Limited⁴⁷⁶ for instance sought that the policy be reframed to encourage commercial recreation and tourism related activities that enhanced the appreciation of landscapes. Submissions 677⁴⁷⁷ and 696⁴⁷⁸ suggested a *“recognise and provide for”* type approach, combined with reference only to appreciation of the District’s landscapes. Lastly, Submission 806 sought to remove any doubt that recreational and tourism related activities are appropriate where they enhance the appreciation of landscapes and have a positive influence on landscape quality, character and visual amenity values, as well as provision of access to the alpine environment.

810. Mr Barr did not recommend any change to this policy in the context of Chapter 6 and we were left unconvinced as to the merits of the other amendments sought in submissions. In particular, converting the policy merely to one which states the need to manage adverse effects does not take matters very far.

811. Similarly, appreciation of the District’s landscapes is a relevant consideration, but too limited a test, in our view, for the purposes of a policy providing favourably for the visitor industry.

812. We have already discussed the defects of a *“recognise and provide for”* type approach in the context of the District Plan policies.

⁴⁷³ J Brown, EIC at 4.11

⁴⁷⁴ Submission 608: Opposed in FS1034

⁴⁷⁵ Submissions 610, 613: Supported in FS1097.

⁴⁷⁶ Submission 621: Supported in FS1097

⁴⁷⁷ Supported in FS1097; Opposed in FS1312

⁴⁷⁸ Supported in FS1097

813. Lastly, incorporation of provision of access to the alpine environment as being a precondition for appropriateness would push the policy to far in the opposite direction, excluding visitor industry activities that enable passive enjoyment of the District’s distinctive landscapes.

814. In summary, we recommend that Policy 6.3.8.2 be shifted into Chapter 3, renumbered 3.3.21 but otherwise not be amended.

815. Reverting to farming activities in rural areas, we accept that the policy of giving preference to farming might go too far, particularly where it is not apparent what the implications are of that preference. Mr Paetz recommended that these two policies be amended to read:

“3.2.5.5.1 Enable farming activity in rural areas except where it conflicts with significant nature conservation values;

3.2.5.5.2 Provide for evolving forms of agricultural land use.”

816. We agree that an enabling focus better expresses the underlying intent of the first policy (as well as being consistent with Policy 5.3.1 of the Proposed RPS), but we also think that some reference is required to landscape character, since as already discussed, not all farming activities are consistent with maintenance of existing landscape character.

817. We also think that while it is appropriate to enable changing agricultural land uses (to address the underlying issue of lack of farming viability), reference to landscape character has been lost, and that should be reinserted, along with reference to protection of significant nature conservation values.

818. We also see the opportunity for these two policies to be combined. We recommend one policy replace Policies 3.2.5.5.1 and 2, numbered 3.3.20 and worded as follows:

“Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.”

819. We are satisfied that recommended Policy 3.3.20 is the most appropriate way to achieve Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1 and 3.2.5.2 in the context of a package of high-level policies and taking account of the additional policies we recommend for Chapter 6.

3.20. Section 3.2.6.3 Policies – Urban Development

820. Policies 3.2.6.3.1 and 3.2.6.3.2 related to the location and design of open spaces and community facilities. While Mr Paetz recommended that these policies remain as is, for similar reasons as above, we recommend that these are more appropriately deleted from Chapter 3 and their subject matter addressed in the context of Chapter 4.

3.21. Overall Conclusion on Chapter 3 Policies

821. We have considered all the of the policies we have recommended for this chapter. We are satisfied that individually and collectively, they are the most appropriate way to achieve the Chapter 3 policies at this high level, taking account of the additional policies we recommend for Chapters 4 and 6. We note that the revised version of Chapter 3 annexed as Appendix 1 contains three additional policies we have not discussed (3.3.33-35 inclusive). These policies are discussed in the Stream 1A Report and included in our revised Chapter 3 for convenience,

in order that the chapter can be read as a whole. Lastly, we consider that understanding of the layout of the policies would be assisted by insertion of headings to break up what would otherwise be a list of 35 policies on diverse subjects. We have therefore inserted headings intended to capture the various groupings of policies.

4. PART B RECOMMENDATIONS

822. Attached as Appendix 1 is our recommended Chapter 3.

823. In addition, as discussed in our report, we recommend to the Stream 10 Hearing Panel that the following new and amended definitions be included in Chapter 2:

“Nature Conservation Values – means the collective and interconnected intrinsic values of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.

Regionally significant infrastructure - means:

- a. Renewable electricity generation activities undertaken by an electricity operator; and
- b. The National Grid; and
- c. Telecommunication and radio communication facilities; and
- d. State Highways; and
- e. Queenstown and Wanaka airports and associated navigation infrastructure.

Urban Development – means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development.

Resort- means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on on-site visitor activities.”

824. Lastly, as discussed in the context of our consideration of Objective 3.2.5.2, if the Council intends that provisions related to the Rural Character Landscape apply in the Wakatipu Basin, and more generally, outside the Rural Zone, we recommend Council notify a variation to the PDP to make that clear.

PART C - CHAPTER 4

5. OVERVIEW

825. The stated purpose of this chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. It is closely linked to Objectives 3.2.2.1 and 3.2.3.1 and to the policies relating to those objectives. The reader is referred to the discussion of those provisions in Part B of this report.
826. Consideration of the submissions on Chapter 4 necessarily occurs against the background of the recommendations we have already made in relation to those higher-level provisions, among other things:
- a. That urban growth boundaries (UGBs) should be defined for the existing urban areas of the Wakatipu Basin, Wanaka and Lake Hawea Township;
 - b. That urban development, as defined, should occur within those urban growth boundaries and within the existing zoned areas for smaller settlements, and avoided outside those areas;
 - c. That many of the existing policies in Chapter 3 should be deleted and that the matters addressed by those policies be amalgamated with the existing policies of Chapter 4 in a way that avoids unnecessary duplication.
827. It follows that submissions seeking that Chapter 4 should be entirely or almost entirely deleted from the Plan, or alternatively that reference to urban growth boundaries should be deleted⁴⁷⁹ must necessarily be rejected. As with similarly broad submissions on Chapter 3, seeking its deletion, such submissions however set an outer limit of the 'collective scope' of submissions (and the jurisdiction for our recommendations).
828. We note also that suggestions that the possibility of urban development occurring outside UGBs be acknowledged⁴⁸⁰ are inconsistent with the recommendations we have already made.
829. Submitter 335 raised a slightly different point, suggesting that it needs to be made clear that UGBs are not a permanent fixture.
830. Our view is that this point is already addressed in the policies related to UGBs – see in particular Policy 4.2.2.5.
831. We also note another general submission⁴⁸¹ that Chapter 4 should be amended to avoid repetition with Chapter 3. We agree with that submission in principle, while noting that in some cases a degree of repetition may provide context for the more detailed policies in Chapter 4. To an extent, this has already been addressed by our recommendations to delete a number of policies in Chapter 3 addressing urban growth issues⁴⁸², but this will be a matter for review on a provision by provision basis.

⁴⁷⁹ Submissions 414, 653, 807, 842: Supported in FS1255; Opposed in FS1071

⁴⁸⁰ E.g. Submission 806: Supported in FS1313

⁴⁸¹ Submission 806

⁴⁸² This also addresses the suggestion by Mr Nicholas Geddes, giving evidence for Clark Fortune McDonald and Associates, that if Chapter 3 achieves the desired outcome, there is no merit in having Chapter 4.

832. Mr Dan Wells, giving planning evidence for Bridesdale Farm Developments Ltd and Winton Partners Funds Management (No 2) Ltd suggested to us that Chapter 4 might be clarified and cut down⁴⁸³. While our recommendation that some of the urban development policies of Chapter 3 be imported into Chapter 4 will necessarily have the opposite effect, we agree in principle with that suggestion also and will keep it in mind in the discussion that follows.

6. CHAPTER 4 TEXT

6.1. Section 4.1 – Purpose

833. The initial statement of purpose in Chapter 4 attracted a limited number of submissions. QAC⁴⁸⁴ sought inclusion of specific recognition of airport related issues. NZIA⁴⁸⁵ sought reference to ecological responsiveness and the quality of the built environment as additional matters on which the District relies together with a change to the last line of section 4.1 to refer to the legibility of compact and connected urban forms enhancing identity and allowing for diversity and adaptability.

834. Transpower⁴⁸⁶ sought specific reference to the benefits of well-planned urban growth and land use for regionally significant infrastructure such as the national grid, as well as more detailed wording changes.

835. Mr Paetz did not recommend any changes to the Statement of Purpose.

836. This is a very general introduction focussing on the key aspects of Chapter 4. We do not see the need to refer specifically either to Queenstown Airport or to other regionally significant infrastructure in this context, given that they are addressed already in Chapter 3, and will be addressed in the policies of Chapter 4.

837. We accept that the term '*environmental image*' is neither particularly clear nor helpful. However, we do not regard the alternative wording suggested by NZIA ('*ecological responsiveness and quality of the built environment*') as entirely satisfactory either. We are unsure what it means to be ecologically responsive, but agree that some reference could usefully be made both to the natural environment (which includes all relevant aspects of '*ecology*') and the built environment.

838. Similarly, the benefits of a more compact and connected urban form need, in our view, to link back both to the previous paragraphs which refer to the issues uncontrolled urban development has for infrastructure and the roading network, and to the strategic objectives and policies in Chapter 3, which we have recommended. The latter focus on a built environment that among other things provides "*desirable and safe places to live, work and play*"⁴⁸⁷. Reference could also usefully be made to the quality of the built environment for contributing to that outcome. The same sentence refers to '*specific policy*'. This would more clearly and correctly refer to '*policy direction*' given that there is more than one policy addressing the point.

⁴⁸³ The submissions Mr Wells was addressing took a somewhat broader approach, seeking deletion of Section 4.1, Objectives 4.2.2-4.2.4 and the related policies

⁴⁸⁴ Submission 433: Supported in FS1077; Opposed in FS1097 and FS1117

⁴⁸⁵ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁴⁸⁶ Submission 805: Supported in FS1211

⁴⁸⁷ Recommended new Objective 3.2.2.1

839. The text requires consequential amendment to recognise our Chapter 3 recommendations as regards the greater recognition given to the Frankton area as a discrete urban centre and the addition of a UGB for Lake Hawea Township. The reference to urban centres also requires amendment to avoid confusion with the Chapter 3 objectives focussing on the role of town centres.
840. As regards other aspects of detail, however, we regard the existing text of Section 4.1 as being fit for purpose.
841. In summary, we recommend that “*the natural and built environment*” be substituted for “*environmental image*” in the second paragraph and that the last paragraph of 4.1 be amended to read:

“Urban Growth Boundaries are established for the key urban areas of Queenstown-Frankton-Jacks Point, Wanaka, Arrowtown and Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency, and offer a quality built environment in which to live, work and play.”

But that otherwise, no further amendments are required.

6.2. Section 4.2 – Objectives and Policies – Ordering and Layout

842. The format of Chapter 4 as notified was that it had six objectives, of which two (4.2.1 and 4.2.3) related to the manner in which urban development would occur, one (4.2.2) related to the use of UGBs, and three objectives (4.2.4-4.2.6) related to location specific urban growth issues for Queenstown, Arrowtown and Wanaka respectively.
843. Reflecting the logic of Chapter 3, we regard the establishment of UGBs as the first point for consideration, followed by management of urban growth more generally. Accordingly, we propose that what was Objective 4.2.2 should be the first objective in Chapter 4 and the discussion following adopts that approach.

6.3. Objective 4.2.2 and related policies – Urban Growth Boundaries

844. As notified, Objective 4.2.2. read:
- “Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges”.*
845. Submissions seeking changes to this objective principally sought its deletion (as part of a broader opposition to the use of UGBs)⁴⁸⁸. For the reasons stated above, these submissions must necessarily be rejected given our earlier recommendations.
846. Other submissions sought acknowledgement of potential for extensions to the UGB, or alternatively urban activities outside the UGB⁴⁸⁹.

⁴⁸⁸ Submission 608 for instance sought its deletion, along with Policies 4.2.2.1-5: Opposed in FS1034

⁴⁸⁹ Submission 807: Supported in FS1324, FS1244 and FS1348

847. A related but more specific submission⁴⁹⁰ sought specific recognition of the outer growth boundary for Wanaka as established by the Wanaka 2020 structure planning process as providing a longer-term limit on urban growth in that community. We will come back to Submission 773 in the context of the objectives and policies related to the Wanaka UGB.
848. Addressing the general propositions advanced in Submission 807, the potential for amendments to UGBs is a matter for future decision makers considering plan changes. Notified Policy 4.2.2.5 already addressed the point of concern to the submitter, and as we will discuss in a moment, we accept other submissions suggesting that the rationale for the UGBs that have been defined needs to be specified with greater particularity in order to provide a reference point for such future Plan Change decisions. We do not think, therefore, that amendment is required to the objective on this account. The request for acknowledgement of the potential for urban development outside UGBs is, however, inconsistent with the recommendations discussed above and must necessarily be rejected.
849. Mr Paetz did not recommend any amendments to this objective. In summary, the only amendments we recommend to Objective 4.2.2 are those consequential on earlier recommendations:
- a. With recommended Policy 3.3.12 addressing establishment of UGBs, the complementary role of this objective is to speak to the outcome from their use;
 - b. With the expansion of UGBs to include Lake Hawea Township, the description of them as managing growth of “*major centres*” is no longer appropriate.
850. Accordingly, we recommend that the objective be numbered 4.2.1 and amended to read:
- “Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.”*
851. We regard this formulation as the most appropriate way to achieve the purpose of the Act in relation to managing urban growth, having regard to our recommendations on amendments to the provisions in Chapter 3.
852. Turning to the policies related to this objective, notified Policy 4.2.2.1 read:
- “Urban Growth Boundaries define the limits of urban growth, ensuring that urban development is contained within those identified boundaries, and urban development is avoided outside of those identified boundaries.”*
853. Putting aside the general submissions seeking deletion of all provisions in Chapter 4 related to UGBs, which have been addressed already, the only submission specifically on this policy sought its retention.
854. Mr Paetz did not recommend any amendment to it.
855. We consider that the policy would be better expressed if it started with a verb rather than, as at present, being more framed as an outcome (i.e. objective).
856. As a matter of formatting, we consider that the policies would flow more logically if the first policy stated the proposed course of action (defining UGBs) more succinctly and that a second policy captured in greater detail how that proposed course of action would be pursued.

⁴⁹⁰ Submission 773

Accordingly, we recommend that the second half of Policy 4.2.2.1 be transferred into a new policy.

857. Addressing the first limb of the policy then, it appears to us to be too broadly stated. UGBs provide the limits of urban development for the settlements where they are defined. While the bulk of urban development will occur in those settlements, some urban development will occur in the smaller settlements with no UGB.

858. In summary, we recommend that Policy 4.2.2.1 be renumbered 4.2.1.1 and amended to read:

“Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.”

859. Before addressing the exact wording of the proposed new policy, we consider notified Policy 4.2.1.1, which relates to the location of urban development and as such is more appropriately considered under this objective at this point. As notified, it read:

“Land within and adjacent to the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships.”

860. Aside from the general submissions already noted and addressed, the only submission specifically on this policy was that of NZIA⁴⁹¹ seeking to delete reference to land ‘adjacent to’ major urban settlements and any reference to urban development in the smaller townships.

861. Mr Paetz recommended acceptance of the first element of the NZIA submission but not the second.

862. We have already observed that the UGBs are drawn in a way that provides for urban growth in selected locations within the UGB adjacent to existing built up areas. While submissions on the maps (and therefore the exact location of the UGBs) are the subject of later hearings, it would be inappropriate to exclude reference to land adjacent to those settlements given the need (as discussed shortly) for UGBs to provide for future growth of urban areas. Having said that, it also needs to be clear that existing urban settlements cannot grow outwards in all directions. In the case of Queenstown, for instance, the topography and the outstanding landscape values of much of the surrounding land effectively preclude that as an option.

863. In addition, as with the previous policy, we consider it would be better reframed to commence with a verb so as not to be stated as an outcome, and the same consequential amendment is required (to broaden the reference to major urban settlements).

864. Lastly, and for consistency, we consider the reference should be to smaller rural ‘settlements’. We also recommend some minor amendments to the language at the end of the policy so it reads more easily.

865. In summary, we recommend that the second half of Policy 4.2.1.1 be relocated, renumbered 4.2.1.2, and amended to read:

“Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements, and to a lesser extent, accommodate urban development within smaller rural settlements.”

⁴⁹¹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, and FS1249

866. Reverting to our desire to capture the purpose of UGB's, the first point is that it needs to start with a verb and project a course of action. The second point is that given that the recommended Policy 4.2.2.1 (renumbered 4.2.1.1) refers to defining UGBs, the same language should be employed. Lastly the exception provided for in Chapter 3 (urban growth within smaller rural settlements) needs to be acknowledged as a consequential change.

867. The end result is a new policy numbered 4.2.1.3 that would read:

“Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.”

868. It is acknowledged that this policy largely repeats Policies 3.3.14 and 3.3.15, but we regard that as helpful in this context, so that the policies can be read in a logical way without reference back to Chapter 3.

869. Accordingly, we recommend a new policy worded as above, be inserted.

870. The next logical issue to address is to identify the general considerations that bear on identification of the location of UGBs. A number of policies in the PDP are relevant to this including:

“4.2.2.2 Urban Growth Boundaries are of a scale and form which is consistent with the anticipated demand for urban development over the planning period, and the appropriateness of the land to accommodate growth.

4.2.2.4 Not all land within Urban Growth Boundaries will be suitable for urban development such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of site specific features or constraints to protect public health and safety.

4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.

4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.”

871. Addressing each of these in turn, the only submission specifically on Policy 4.2.2.2⁴⁹² supports the provision. Submissions seeking its deletion as part of a broader submission seeking deletion of all of the policies in this section⁴⁹³ do, however, need to be noted, since they set the outer limits of the jurisdiction for any changes we might recommend.

⁴⁹² Submission 238. While a number of Further Submissions oppose this submission, they provide no jurisdiction for any alternative policy for the reasons discussed in Section 1.7 of this Report.

⁴⁹³ Such as submission 608: Opposed in FS1034

872. The only submission specifically seeking an amendment to Policy 4.2.2.4 is that of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki, Hokonui Rūnanga ⁴⁹⁴, seeking reference to the significance of land to Manawhenua.
873. Policy 4.2.1.6 was the subject of four substantive submissions. The first⁴⁹⁵ sought that it be limited to avoiding sporadic urban development. The second⁴⁹⁶ sought its deletion. The last two⁴⁹⁷ sought recognition of the adverse effects of uncontrolled and sporadic urban development on public transport and other infrastructure.
874. Policy 4.2.1.7 attracted two substantive submissions seeking its amendment. The first⁴⁹⁸ sought that it be amended to refer to minimising the loss of high value soils within rural areas. The second⁴⁹⁹ sought either deletion of the policy or its amendment to delete reference to “productive” potential and “soil” resources.
875. Mr Paetz recommended three changes to these policies. The first was to insert reference to intensification of urbanisation in Policy 4.2.2.4. The second was to recognise potential adverse effects of sporadic urban development on the efficiency and functionality of infrastructure in Policy 4.2.1.6. The third suggested amendment was to insert reference in Policy 4.2.1.7 to the location of urban development, so that it maintains the productive potential and soil resource of rural land.
876. We also note the planning evidence of Mr Jeff Brown⁵⁰⁰ suggesting the need for criteria for expansion of UGBs including:
- a. Efficient provision of development capacity;
 - b. Feasible, efficient and cost-effective provision of infrastructure;
 - c. Support for public transport, walking and cycling;
 - d. Avoidance of areas with significant landscape, ecological or cultural values or with significant hazard risks;
 - e. Avoidance, remediation or mitigation of urban/rural conflicts; and
 - f. Boundaries aligning with landscape boundaries or topographical features or with roads, electricity lines/corridors or aircraft flight paths.
877. While the focus of Mr Brown’s evidence was on Policy 4.2.2.5, which we will discuss shortly, we regard his evidence as pulling together criteria that might equally be relevant to the initial location of UGBs, as to their future expansion.
878. We also note the guidance provided by the higher order documents. The RPS provisions related to the built environment⁵⁰¹ are expressed too generally to be of any great assistance. Policy 4.5.1 of the Proposed RPS, however, has rather more concrete provisions on how urban growth and development should be managed, including:
- a. *“Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*

⁴⁹⁴ Submission 810

⁴⁹⁵ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁴⁹⁶ Submission 608: Opposed in FS1034

⁴⁹⁷ Submissions 719 and 798

⁴⁹⁸ Submission 608: Opposed in FS1034

⁴⁹⁹ Submission 836

⁵⁰⁰ J Brown, EIC at [5.4]

⁵⁰¹ See in particular RPS Policy 9.5.5

- b. *Coordinating urban growth and development in the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;*
- c. *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:*
 - i. *Minimise adverse effects on rural activities and significant soils;*
 - ii. *Minimise competing demands for natural resources;*
 - iii. *Maintain or enhance significant biological diversity, landscape or natural character values;*
 - iv. *Maintain important cultural or historic heritage values;*
 - v. *Avoid land with significant risk from natural hazards;*
- d. *Considering the need for urban growth boundaries to control urban expansion;*
- e. *Ensuring efficient use of land;*
- f. *Encouraging the use of low or no emission heating systems;*
- g. *Giving effect to the principles of good urban design in Schedule 5;*
- h. *Restricting the location of activities that may result in adverse sensitivity effects on existing activities.”*

879. The RPS and the Proposed RPS must now be read in the light of the NPSUDC 2016. We have approached the NPSUDC 2016 on the basis⁵⁰² that while not totally clear, both Queenstown and Wanaka are “*urban environments*” as defined in the NPSUDC 2016, and that all objectives and policies of the document apply, because Queenstown is a “*high-growth area*”.

880. The view expressed by counsel for the Council is that at a general level, the objectives and policies of the NPSUDC 2016 are given effect by the provision of the PDP. Counsel’s Memorandum did not discuss the extent to which the strategic chapters, as opposed to the balance of the PDP, do so, but did identify that the objectives and policies of the NPSUDC 2016 are pitched at a relatively high level – “*direction setting*” as she put it. We agree with that general description. The objectives and policies of the NPSUDC are a long way from the prescriptive NZCPS provisions considered by the Supreme Court in *King Salmon*, or even the relatively prescriptive provisions of the NPSET 2008⁵⁰³.

881. Even so, Objectives OA1 and OA2 clearly bear upon consideration of the policies of the PDP set out above:

“OA1: *Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing;*

OA2 *Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.”*

882. Policy PA1 is an exception to the relative generality of the NPSUDC, requiring that local authorities ensure that sufficient housing and business land development capacity is feasible

⁵⁰² As advised by counsel for the Council in her memorandum of 3 March 2017

⁵⁰³ Adopting the High Court’s description of Policy 10 discussed below in Section 6.4

and zoned to meet demand over the short to medium term (10 years from now)⁵⁰⁴. The policy provides further that land development capacity sufficient to meet demand over the long term (10-30 years) is “*identified*” in relevant plans.

883. There are obvious overlaps between the matters identified in both the Proposed RPS Policy 4.5.1 and the NPSUDC 2016 objectives and policies, and between those provisions and Mr Brown’s suggested criteria. Although, having determined that we would support the notified proposal for identification of UGBs, some of the matters identified are in our view better dealt with in the policies governing the form of development within UGBs.
884. Taking all of these matters into account, we are of the view that the four policies noted above need to be collapsed into one comprehensive policy. All relate to the process for fixing UGBs in various ways, although we accept that Policy 4.2.2.4 (and Mr Paetz’s suggested amendment to add reference to intensification) also relates to the nature of urban development within UGBs once they are fixed.
885. Starting with Policy 4.2.2.2, it is currently framed as an outcome (i.e. objective) rather than a policy. It needs to commence with a verb. The purpose of the policy is to state the criteria that will determine where UGBs should be. That sense needs to come through.
886. We also regard a statement that UGBs should be of a “*scale and form*” to meet anticipated demand as over-complicating the issue. UGBs are lines on a map. They have no scale and form. The land within them has scale and form, and in this regard, the UGBs have to encompass a sufficient area of suitable land to give effect to the NPSUDC 2016. Again, we think that the policy should be simplified and clarified in this regard.
887. Another obvious point is that the policy talks of meeting demand without saying where the demand might be located. The reality is that all the UGBs are either in the Wakatipu Basin or the Upper Clutha Basin and the evidence we heard was that that was where the demand for urban development is also. It would be pointless as well as impractical to provide for large-scale urban development at Kingston, for instance, in order to meet demand in Queenstown over the planning period. The policy should acknowledge that practical reality.
888. It also appears clear to us that fixing UGBs in order to meet anticipated demand necessarily requires an assumption as to the density of development that will occur within those boundaries. One of the policies we have recommended be deleted from Chapter 3, by reason of the overlap/duplication with Chapter 4 policies, is Policy 3.2.2.1.5, which as notified, read: “*Ensure UGBs contain sufficiently suitable zoned land to provide for future growth and a diversity of housing choice.*”
889. Another policy we have recommended be deleted from Chapter 3 is Policy 3.2.4.8.1, which as notified, read:
- “*Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District.*”
890. A third policy, we have recommended be deleted from Chapter 3 is Policy 3.2.6.2.1, reading:

⁵⁰⁴ The Policy has provisions relating to provision of infrastructure that are matters for Council to address in its other capacities

“Promote mixed densities of housing in new and existing urban communities.”

891. Yet another related Chapter 3 policy is 3.2.2.1.6:

“Ensure that zoning enabled effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.”

892. Submissions on Policy 3.2.2.1.5 varied between seeking its deletion⁵⁰⁵, seeking greater clarity as to the relationship between UGBs and zoning⁵⁰⁶ and seeking reference to community activities and facilities as well as to housing⁵⁰⁷. Consideration of this policy now also has to take the requirements of the NPSUDC 2016 into account.

893. Submissions on Policy 3.2.4.8.1 ranged from seeking to soften the extent of direction⁵⁰⁸, delete reference to greenhouse gas emissions⁵⁰⁹ and challenging the relationship drawn between a positive response to climate change and concentration of future development within existing urban areas⁵¹⁰.

894. There were no submissions specifically on Policy 3.2.6.2.1, but a number of submissions sought deletion of Policy 3.2.2.1.6⁵¹¹. We read those submissions as reacting to the implied criticism of land developers in the District. As Submission 91 observed, owners of land can defer development, or decide not to develop it at all for a variety of perfectly valid reasons.

895. Having said that, whatever the motivation for land remaining undeveloped, planning for future growth needs to take account of it and seek to mitigate its influence on land supply and demand dynamics by ensuring competition in the supply of land.

896. The theme of these four policies is that development within UGBs should desirably be compact, energy efficient, involve a mix of housing densities and housing forms, and be enabled by a competitive land supply market. We agree with the point made in Submission 524 that the focus cannot solely be on housing needs and recommend that all these considerations be imported into the combined Policy 4.2.1.6/4.2.1.7/4.2.2.2/4.2.2.4.

897. The notified Policy 4.2.2.2 refers to the relevance of the appropriateness of the land to accommodate growth without saying what matters might be relevant to determining appropriateness in this context.

898. Policy 4.2.2.4 provides greater guidance as to what matters are likely to be relevant. In that regard, we think that Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Te Runanga o Moeraki and Hokonui Runanga have a valid point suggesting that cultural constraints need to be borne in mind at this point (as Mr Brown acknowledged and Proposed RPS Policy 4.5.1 provides for) and we recommend that the combined policy reflect that (but not using the term Manawhenua, given the submitter’s advice in the Stream 1A hearing that that is no longer

⁵⁰⁵ Submissions 608 and 807: Opposed in FS1034

⁵⁰⁶ Submission 806

⁵⁰⁷ Submission 524: Supported in FS1059

⁵⁰⁸ Submission 519: Supported in FS1015; Opposed in FS1356

⁵⁰⁹ Submissions 519, 598: Supported in FS1015 and FS1287; Opposed in FS1356

⁵¹⁰ Submission 798

⁵¹¹ Submissions 91, 249, 608 and 807: Opposed in FS1034

sought). In addition, while an obvious constraint on urban development in the Queenstown context, in particular, it is worth making reference to the topography as a relevant factor.

899. Policy 4.2.1.6 seeks to avoid sporadic urban development for a range of reasons, many of which overlap with considerations identified in Policy 4.2.2.4. The inter-relationship between fixing UGBs and the efficient provision and operation of infrastructure is, however, an additional matter worthy of noting (as Mr Brown accepted, and Mr Paetz recommended).

900. Turning to the relevance of the matters currently covered in Policy 4.2.1.7, we think that Submission 628 has a point, seeking to soften the focus on not losing productive rural land and the accompanying soil resource. The reality is that if all soil resources/productive rural land were to be preserved, no urban development on rural land would be possible. We accept, therefore, that minimising the loss of productive soils and the soil resource is an appropriate focus. It is also consistent with the suggested approach in Policy 4.5.1 of the Proposed RPS.

901. Stitching all these various policy elements together in one coherent policy, we recommend that Policies 3.2.2.1.5, 3.2.2.1.6, 3.2.4.8.1, 3.2.6.4.1, 4.2.1.6, 4.2.1.7, 4.2.2.2 and 4.2.2.4 be combined in one policy numbered 4.2.1.4 to read as follows:

“Ensure urban growth boundaries encompass a sufficient area consistent with:

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. a compact and energy efficient urban form;*
- f. avoiding sporadic urban development in rural areas;*
- g. minimising the loss of the productive potential and soil resource of rural land.”*

902. Although our suggested policy, as above, notes the relevance of landscape issues as a potential constraint on urban development, we consider that this is deserving of more specific guidance, given the significance of landscape values both for their own sake and as a contributor to the economic prosperity of the District.

903. Notified Policy 6.3.1.7 read:

“When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.”

904. Given that this policy relates to UGBs and urban growth generally, we regard it as more appropriately located in Chapter 4.

905. The submissions on it sought variously its deletion⁵¹², or alternatively, that the policy provide for avoiding, remedying or mitigating the effects of any impingement on ONLs or ONFs⁵¹³.

⁵¹² Submission 806

⁵¹³ Submission 378: Supported in FS1097; Opposed in FS1049, FS1095 and FS1282

906. Mr Duncan White, giving planning evidence for Allenby Farms Ltd and Crosshill Farms Ltd initially suggested that reference to ONFs should be deleted from this policy, given that there are existing examples of ONFs within UGBs.
907. However, he accepted in discussions with us that his suggested relief did not follow from that inconsistency, and withdrew that aspect of his evidence.
908. Mr Wells was on rather stronger ground supporting Mr Goldsmith’s legal argument that protection for ONFs (and ONLs) is conferred by other provisions in the PDP and that UGBs served a different purpose – in effect to fix the outer limits of urban development. As Mr Wells noted, there are existing examples of ONFs sitting within the mapped UGBs. While some of those apparent inconsistencies may yet be resolved, that does suggest that the wording of this policy needs to be reconsidered. Having said that, given the strategic objective we have recommended related to ONLs and ONFs (3.2.5.1), clearly deletion of this policy would be inappropriate. Moreover, it is difficult to conceive that urban development could have anything other than a more than minor adverse effect if located on ONLs or ONFs and accordingly, in our view, an avoid, remedy or mitigate policy would similarly be inappropriate (quite apart from the lack of direction it provides).
909. In our view, the solution is to link the fixing of a UGB more clearly to the extent and location of urban development.
910. Accordingly, we recommend that notified Policy 6.3.1.7 be shifted into this part of Chapter 4, renumbered 4.2.1.5 and be amended to read;
- “When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid urban development impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.”*
911. Policy 4.2.2.5, as notified read:
- “Urban Growth Boundaries may need to be reviewed and amended over time to address changing community needs.”*
912. The only submission specifically on it⁵¹⁴ supported the provision. Mr Paetz recommended no amendment to it.
913. Mr Goldsmith⁵¹⁵ submitted to us that this policy undermines the whole concept of UGBs and that it is difficult to know what it achieves. We think the first point is not correct – it merely acknowledges the practical reality that future plan changes have the ability to alter UGBs. There is more to the second point given that the policies in the Plan do not and cannot constrain future plan changes, but providing clearer criteria for fixing the location of UGBs both generally, as above, and at a more site specific basis⁵¹⁶, will provide a better starting point for such future processes. We think therefore that there is a role for this policy.

⁵¹⁴ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁵¹⁵ On this occasion, when representing Ayrburn Farm Estates Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd

⁵¹⁶ As Mr Goldsmith in fact urged on us, when appearing for a different group of submitters

914. At present, this policy is not framed as a course of action. It does not commence with a verb. It is more framed as a statement of fact, although the course of action it envisages is reasonably obvious and therefore reinstating it as a course of action is a minor change. We therefore recommend that this Policy be renumbered 4.2.1.6 and reframed to the same effect as follows:

“Review and amend Urban Growth Boundaries over time as required to address changing community needs.”

915. Lastly under this objective, we note Policy 4.2.1.5 which as notified read:

“Urban development is contained within or immediately adjacent to existing settlements.”

916. The only submission on this policy seeking amendment to it⁵¹⁷ sought that the submission state simply:

“Urban development is contained.”

917. Mr Paetz recommended that the words *“or immediately adjacent to”* be deleted from the policy.

918. To the extent that this policy could be read as applying to those urban settlements for which a UGB has been defined, it simply duplicates Policy 4.2.1.1 (renumbered 4.2.1.2). We regard it as having a role in guiding urban development within the smaller rural settlements, but agree with Mr Paetz that describing such development as being possible in areas *“immediately adjacent to”* existing rural settlements is not satisfactory. At one level, it is too confining (read literally) and at another, insufficiently clear, because it does not give any guidance as to where an existing rural settlement might be considered to end.

919. We do not regard the relief sought in Submission 238 as being particularly helpful. It would be even less clear, if adopted.

920. The Policy we have recommended in Chapter 3 related to development of the smaller rural settlements is to direct that urban development be located within the land zoned for that purpose (recommended Policy 3.3.15). We recommend that this be the basis for revision of Policy 4.2.1.5. While involving a level of duplication, again, we regard this as appropriate in this context, so that Chapter 4 does not have holes in it that have to be filled by a reference back to Chapter 3.

921. In summary, therefore, we recommend that Policy 4.2.1.5 be renumbered 4.2.1.7 and amended to read:

“Contain urban development in existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.”

922. We have reviewed the policies recommended in this section and consider that individually and collectively they are the most appropriate way to achieve Objective 4.2.1.1.

6.4. Objectives 4.2.1 and 4.2.3 and related policies – Urban Development and Urban Form

923. We consider that these two objectives need to be considered together. As notified, they read:

⁵¹⁷ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1242, FS1248 and FS1249

“4.2.1 Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

4.2.3 Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.”

924. Submissions seeking amendments to Objective 4.2.1 included as relief:
- a. Deletion of Section 4.2.1 entirely⁵¹⁸;
 - a. Seeking provision that infrastructure development either be sized for all foreseeable growth or be able to be adapted to meet same and that people in residential zones should be within a given distance to key amenities⁵¹⁹;
 - b. Restricting the objective to focus solely on coordination with infrastructure and services⁵²⁰;
 - c. Amending reference to protecting aspects of the environment and substituting “maintains or enhances”⁵²¹;
 - d. Amending the reference to protecting aspects of the environment and substituting “maintains and where appropriate enhances”, along with limiting the focus further to just adjoining land⁵²²;
 - e. Substituting “integrated” for “coordinated”⁵²³;
 - f. Adding reference to urban growth as well as urban development and including reference to protection of infrastructure⁵²⁴;
 - g. Including reference to indigenous flora and fauna⁵²⁵.
925. The only amendment recommended by Mr Paetz is to substitute “integrated” for “co-ordinated”.
926. Turning to Objective 4.2.3, submissions seeking amendment to the objective were limited to a request to refer to urban areas rather than UGBs⁵²⁶ and an amendment to refer to development, operation and use of infrastructure⁵²⁷.
927. Mr Paetz did not recommend any amendment to this objective.
928. We consider that the overlap in the focus of both of these objectives on infrastructure and services means that they should be revised to separate out infrastructure considerations in one objective, and other relevant points in a second objective.
929. Looking first at aspects that might be drawn from Objective 4.2.1 we do not understand there to be any meaningful difference between the words “integrated” and “co-ordinated”. While

⁵¹⁸ Submission 285

⁵¹⁹ Submission 117

⁵²⁰ Submission 608: Opposed in FS1034

⁵²¹ Submission 378: Supported in FS1097; Opposed in FS1044 and FS1095

⁵²² Submission 635

⁵²³ Submission 719

⁵²⁴ Submission 805

⁵²⁵ Submission 809

⁵²⁶ Submission 608: Opposed in FS1034

⁵²⁷ Submission 635

there is some merit in consistency of terminology⁵²⁸, an objective referring to integration with infrastructure would read awkwardly when combined with reference to “*a compact and integrated urban form*”, drawn from Objective 4.2.3.

930. We consider that the submitters focussing on the extent of protection for the environment and rural amenity have a point. It would be more appropriate if some of those aspects were maintained and enhanced⁵²⁹, in line with recommended Objective 3.2.5.2, but protection is appropriate for ONLs and ONFs given the terms of recommended Objective 3.2.5.1.

931. We do not accept the suggestion that this objective refer to protection of all indigenous flora and fauna, as sought by Submission 809. Consistent with Proposed RPS Policy 4.5.1 (and indeed section 6(c) of the Act), the focus should be on significant areas and habitats.

932. In terms of those aspects of infrastructure and services urban development needs to coordinate/integrate with, we consider that Objective 4.2.3 correctly focuses on the efficient provision and operation of infrastructure and services. We do not see any meaningful difference between that and the relief sought in Submission 635 (development, operation and use).

933. Lastly, given the recommended terms of Objective 4.2.2 (now renumbered 4.2.1) and the related policies, urban development will necessarily occur within UGBs. Accordingly, we consider that the focus might more appropriately be on a compact and integrated urban form, as per Objective 4.2.3.

934. Combining these various considerations in objectives that are framed as environmental outcomes, we recommend that the replacement objectives for 4.2.1 and 4.2.3 be worded as follows:

“A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.”

Urban development within the Urban Growth Boundaries that maintains and enhances the environment and rural amenity, and protects Outstanding Natural Landscapes, Outstanding Natural Features and areas supporting significant indigenous flora and fauna.”

935. We consider that collectively, these two objectives are the most appropriate way to achieve the purpose of the Act.

936. Because the policies that follow seek to achieve both of these objectives, we have numbered them 4.2.2A and 4.2.2B, to make that clear.

937. Policy 4.2.1.2 as notified read:

“Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.”

938. Submissions on it included:

a. Seeking its deletion⁵³⁰;

⁵²⁸ As Mr MacColl suggested to us, giving evidence for NZTA

⁵²⁹ As Ms Taylor, giving evidence for Peninsula Bay JV, suggested

⁵³⁰ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

- b. Amending it to include reference to reverse sensitivity effects on significant infrastructure⁵³¹;
 - c. Adding reference to planned expansion of infrastructure networks⁵³²;
 - d. Deleting the requirement that infrastructure must necessarily be public in nature⁵³³;
 - e. Support for it as currently proposed⁵³⁴.
939. Mr Paetz did not recommend any change to this policy.
940. We recommend that this policy be reframed so it commences with a verb and therefore identifies a clear course of action, rather, than as at present, being stated as an environmental outcome/objective.
941. We accept the point made in Submission 635. Not all relevant infrastructure is public infrastructure. The evidence we heard was that some existing urban areas were serviced by private infrastructure (Jacks Point). Similarly, the local electricity line network is not “*public*” infrastructure. Nor is it obvious why it should matter who owns any relevant infrastructure. In our view, the policy should not constrain development by reference to the capacity of ‘*public*’ infrastructure.
942. Similarly, Submission 608 makes a valid point suggesting that urban development might take account of planned infrastructure enhancements.
943. Given our recommendation as to the wording of the objective sought to be implemented by this policy, we also agree that some reference to reverse sensitivity effects on infrastructure, particularly regionally significant infrastructure, is appropriate. We do not, however, accept that all adverse effects on regionally significant infrastructure should be avoided given the interpretation of a policy focus on ‘*avoiding*’ adverse effects in *King Salmon*. While the High Court has described Policy 10 of the NPSET as “*relatively prescriptive*”⁵³⁵, it does not purport to require avoidance in all cases. (Policy 10 refers to managing activities to avoid reverse sensitivity effects “*to the extent reasonably possible*”). As the High Court noted, where development already exists, it will not generally be possible to avoid reverse sensitivity effects. It may, however, be reasonably possible to avoid further compromising the position.
944. The Proposed RPS likewise does not provide for avoidance of all reverse sensitivity effects on regionally significant infrastructure. Policy 4.3.4 has a tiered approach, providing for avoidance of significant adverse effects and avoiding, remedying or mitigating other effects. To the extent there is a difference between the two higher order documents, we consider that we should take our lead from the NPSET 2008, that being the document we are required to give effect to.
945. We therefore consider that adverse effects on infrastructure should be minimised – this being the extent of restriction we consider to be “*reasonably possible*”.
946. Consideration of Policy 4.2.1.2 also needs to take account of Policy 4.2.3.4 which as notified, read:

⁵³¹ Submission 271 and 805: Supported in FS1121, FS1211 and FS1340: Opposed in FS1097 and FS1117

⁵³² Submission 608: Opposed in FS1034

⁵³³ Submission 635

⁵³⁴ Submission 719

⁵³⁵ Transpower New Zealand Ltd v Auckland Council NZHC 281 at [85]

“Urban development occurs in locations that are adequately serviced by existing public infrastructure, or where infrastructure can be efficiently upgraded.”

947. Submissions on this Policy varied from those seeking its deletion⁵³⁶, amendment to delete the requirement for infrastructure to be ‘public’⁵³⁷ and amendment to make reference to potential adverse effects on regionally significant infrastructure⁵³⁸. Mr Paetz did not recommend any change to this policy.

948. Policy 4.2.3.4 almost entirely overlaps and duplicates Policy 4.2.1.2. We do not consider that two policies are required to say the same thing.

949. Notified Policy 4.2.3.5 also relates to the inter-relationship between urban development and infrastructure. It read:

“For urban centres where Urban Growth Boundaries apply, new public infrastructure networks are limited exclusively to land within defined Urban Growth Boundaries.”

950. Submissions on this policy ranged from support⁵³⁹ to seeking its deletion⁵⁴⁰. On this occasion, there was no middle ground.

951. Mr Paetz did not recommend any change to the Policy.

952. This Policy seems to us to be misconceived. While it might work as intended in Wanaka, where the UGB defines a single urban area, working out from the existing township, the urban areas defined by UGBs in the Wakatipu Basin are in fact a series of geographically separated areas and infrastructure (both public and private) must necessarily connect those separate geographical areas and therefore be located outside the UGBs. We would not wish to preclude expansion of existing infrastructure merely because it is not located within a UGB. We see that as being counterproductive, potentially defeating expansion of urban development into appropriate new areas.

953. We should note at this point the emphasis in Policy 4.5.2 of the Proposed RPS on staging development or releasing land sequentially where UGBs have been defined. While staging of development would promote greater efficiency of land use and infrastructure, we do not have the evidence, nor, we think, the jurisdiction to recommend how it might be provided for in any systematic way within the defined UGBs⁵⁴¹. Accordingly, we can take it no further.

954. In summary, we recommend Policies 4.2.3.4 and 4.2.3.5 be deleted and Policy 4.2.1.2 be renumbered 4.2.2.1 and amended to read:

“Integrate urban development with existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.”

⁵³⁶ Submission 807

⁵³⁷ Submission 635

⁵³⁸ Submission 805: Supported in FS1211

⁵³⁹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁵⁴⁰ Submissions 805 and 807

⁵⁴¹ This is a different concept to the suggestion discussed elsewhere that the outer urban boundary identified in the Wanaka Structure Plan might be recognised in the PDP

955. Policy 4.2.2.3 as notified, read:

“Within Urban Growth Boundaries, land is allocated into various zones which are reflective of the appropriate land use.”

956. The only submissions on this policy supported its current form and Mr Paetz did not recommend any further amendments.

957. Aside from the need to reformulate the policy so it commences with a verb and more clearly states a proposed course of action, we have no particular issue with this policy, so far as it goes. The problem with it is that it leaves at large the identification of considerations that would determine what land uses are appropriate. We have already referred to a number of policies that have a dual role, guiding the location of UGBs and the nature of the urban development that might occur within them.

958. Policy 4.2.3.1 is relevant in this context. As notified, it read:

“Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:

- a. Connectivity and integration;*
- b. The sustainable use of public infrastructure;*
- c. Convenient linkages to the public and active transport network; and*
- d. Housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.”*

959. Submissions on it included:

- a. Support while querying the meaning of the fourth bullet point⁵⁴²;
- b. Seeking addition of provision to ensure reverse sensitivity effects on significant infrastructure is avoided⁵⁴³;
- c. Broadening of the reference to infrastructure so it is not limited to public infrastructure⁵⁴⁴;
- d. Amendment to refer to connectivity and integration *“of land use and transport”*⁵⁴⁵;
- e. Amendment to the reference to public infrastructure, substituting regionally significant infrastructure, and making specific provision for the national grid⁵⁴⁶.

960. Mr Paetz did not recommend any change to this policy.

961. We view many aspects of Policy 4.2.3.1 as already subsumed within other policies. The query in Submission 238 as to the meaning of the fourth bullet point raises a fair point given the emphasis in Policy 4.2.3.2 on enabling an increased density of residential development close to town centres, community and education facilities. They do not appear to be consistent.

962. However, it is desirable to retain specific reference to connectivity and integration, and to linkages with public transport. NZTA’s submission suggests though that reference to the first needs to be refined so it is clearer that connectivity and integration relates to the links between existing developed areas and new areas of urban development generally, not just to

⁵⁴² Submission 238: Opposed in FS1107, FS1226, FS1234, FAS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁴³ Submission 271

⁵⁴⁴ Submission 635: Supported in FS1121; Opposed in FS1097 and FS1117

⁵⁴⁵ Submission 719: Supported in FS1097

⁵⁴⁶ Submission 805: Supported in FS1211

transport (the latter being addressed by what was the third bullet of Policy 4.2.3.1). We recommend deletion of reference in this context to linkages to active transport networks, since that is addressed separately by notified policy 4.2.1.4., discussed further below. The other aspect of Policy 4.2.3.1 that we consider deserves specific reference is the interrelationship between land zoning and infrastructure. As some of the submitters on the policy note, the policy is not focussed on reverse sensitivity effects and we consider that some reference is required to such effects.

963. Some commentary is also required on the role of zoning for open spaces. Open spaces (and community facilities) are addressed in two closely related policies in Section 3.2.6.3 that we have recommended be deleted from Chapter 3. As notified they read:

“3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people;

3.2.6.3.2 That open spaces and community facilities are located and designed to be desirable, safe, accessible places.”

964. The submissions specifically on these policies variously supported their retention⁵⁴⁷, sought that reference be inserted to multiple use⁵⁴⁸, or sought (in the alternative) that ‘community activities’ be substituted for ‘community facilities’⁵⁴⁹. The purpose of the latter change was to ensure that the policy is read to include educational facilities. To the extent there is any ambiguity, we think (as the submitter sought as their primary relief) that this is better dealt with in the definition of community facility given that the policies are about places rather than activities. We therefore refer that point for the consideration of the Stream 10 Hearing Panel.
965. In the context of defining what land uses are appropriate, clearly desirable, safe, and accessible open spaces and community facilities ought to be on that list. We therefore recommend that the substance of these policies be retained, amended to fit that altered context. The altered context also means, in our view, that it is not necessary to refer to multiple use of open space areas generally, or use for the purposes of infrastructure, which was the point of submission 805.
966. Policy 4.2.2.4 also needs to be considered in this context. While the matters it covers are important, in our view, we agree with the evidence we heard from Ms Louise Taylor that health and safety is not the only consideration for determining the appropriate form and location of urban development; those matters need to be factored into the consideration of a broader range of matters determining the appropriateness of the form urban development takes. As discussed above, while implicit, it is worth making specific reference to the topography, which is both an obvious constraint on urban development and a defining feature of the local environment. As discussed earlier, in the context of our consideration of Objective 3.2.4.8 and Policy 3.2.4.8.1, the inter-relationship between natural hazards and climate change also needs to be noted⁵⁵⁰.
967. We also bear in mind the strategic objectives and policies related to the function and role of the town centres and other commercial and industrial areas. We consider that those objectives and policies likewise need to be brought to bear in identifying appropriate land uses.

⁵⁴⁷ Submissions 378 and 806: Opposed in FS1049 and FS1095

⁵⁴⁸ Submission 805

⁵⁴⁹ Submission 524

⁵⁵⁰ Accepting the substance of the relief sought in Submission 117.

968. Aside from the submission for Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Te Runanga o Moeraki and Hokonui Runanga⁵⁵¹ that we have already commented on, we also reflect on the evidence we heard from the New Zealand Fire Service Commission⁵⁵² regarding provision for emergency services. In our report on Chapter 3 issues, we recommended rejection of a submission by the Fire Service that a new objective be inserted into Section 3.2.1 providing for emergency services on the basis that this was more appropriately dealt with in the more detailed provisions⁵⁵³. In our view, this is the appropriate location for that recognition.

969. In summary, we recommend that Policy 4.2.2.3 be renumbered 4.2.2.2 and expanded to amalgamate material from other policies (in particular 3.2.3.6.1, 3.2.6.3.2, 4.2.1.6, 4.2.2.4 and 4.2.3.1) to read as follows:

“Allocate land within Urban Growth Boundaries into zones that are reflective of the appropriate land use having regard to:

- a. its topography;*
- b. its ecological, heritage, cultural or landscape significance, if any;*
- c. any risk of natural hazards, taking into account the effects of climate change;*
- d. connectivity and integration with existing urban development;*
- e. convenient linkages to public transport;*
- f. the need to provide a mix of housing densities and form within a compact and integrated urban environment;*
- g. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;*
- h. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 strategic objectives 3.2.1.2 – 3.2.1.5 and associated policies;*
- i. the need to make provision for the location and efficient operation of regionally significant infrastructure;*
- j. the need to locate emergency services at strategic locations.”*

970. We regard this reformulated policy as appropriately addressing the request in the Council’s corporate submission⁵⁵⁴ for a new policy targeting optimisation of ecosystem services.

971. Policy 4.2.3.2 as notified read:

“Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.”

972. This policy needs also to be considered against the background of Policy 4.2.1.3, which read:

“Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycle ways or are in close proximity to community and education facilities.”

⁵⁵¹ Submission 810

⁵⁵² Submission 438: Supported in FS1160

⁵⁵³ Refer paragraph 213 above

⁵⁵⁴ Submission 383

973. Submissions on Policy 4.2.3.2 sought either its deletion⁵⁵⁵ or recognition of the need to avoid, remedy or mitigate the adverse effects of increased density⁵⁵⁶.
974. Submitter 208 made the same submission in relation to Policy 4.2.1.3. The only other submissions on that policy supported its current form.
975. Mr Paetz did not recommend any amendment to either of these policies.
976. When the representatives of Submitter 208 appeared before us, they elaborated on this submission, clarifying their concern that increased density of residential development might be out of step with the existing character of residential areas, leading to a loss of residential amenity. The submitter's concern in this regard overlaps with its submission on Policy 3.2.3.1.1., which usefully might be considered in this context. As notified it read:
- “Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in the character in certain locations.”*
977. Submissions on it sought variously that reference to good design be included⁵⁵⁷, that acceptance of change be qualified to limit situations where it is appropriate and where adverse effects can be avoided, remedied or mitigated⁵⁵⁸, and that it be deleted (along with the Objective 3.2.3.1 and the other policies supporting it)⁵⁵⁹.
978. As we have already noted, Mr Walsh who provided a brief of planning evidence for this submitter, was unable to appear before us but provided answers in writing to a series of questions that we posed to tease out aspects of his evidence. Mr Walsh agreed with Mr Clinton Bird, who provided evidence for the Council, that Queenstown's surrounds are the dominant feature of the character of the area, but also considered that the buildings of Queenstown urban area have an influence on the appreciation of those surroundings. Mr Walsh also emphasised the value of good urban design⁵⁶⁰.
979. We think that these are valid points, but where Mr Walsh's evidence suffered was in being somewhat elusive as to what exactly the character of Queenstown's residential areas was, and how it might be adversely affected by more intensive development, other than in a very general way. Expert opinion on these issues was mixed⁵⁶¹, but we accept both that good design will assist in minimising adverse effects from increased densities and that urban character needs to be given some policy recognition to ensure that to the extent there is an identifiable local character, it is taken into account.

⁵⁵⁵ Submission 807

⁵⁵⁶ Submission 208

⁵⁵⁷ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1244, FS1248 and FS1249

⁵⁵⁸ Submission 208

⁵⁵⁹ Submissions 806 and 807

⁵⁶⁰ A point also made by the representatives of NZIA who appeared at the Stream 1B hearing

⁵⁶¹ Mr Bird was rather dismissive of the architectural merit of existing development in Queenstown and Frankton, and regarded that of Wanaka as having even less to recommend it. The representatives of NZIA by contrast emphasised the intensity of urban development in Queenstown and Wanaka as creating a character of its own, particularly in the town centres. We also note the submissions made on behalf of DJ and EJ Cassells, The Bulling Family, the Bennett family, M Lynch and Friends of Wakatipu Gardens and Reserves that the urban area adjacent to the Gardens has a special character and that it and other areas with special character or heritage values deserve policy recognition.

980. We therefore recommend that elements of Policy 3.2.3.1.1 (which we have recommended be deleted from Chapter 3) be incorporated into this policy.

981. We also note the evidence we heard from Mr Nicholas Geddes addressing a related point on behalf of Clark Fortune McDonald. Mr Geddes drew attention to the apparent inconsistency between a policy focus on increased density of residential development and the basis on which the Jacks Point development had proceeded. We think that Mr Geddes likewise made a valid point and that these policies need to acknowledge that in areas governed by existing structure plans, increased density of residential development may not be appropriate.

982. That said, clearly Policies 4.2.1.3 and 4.2.3.2 need to be collapsed together. There is significant overlap between the two and the matters they cover can be captured in one policy.

983. In summary, therefore, we recommend one combined policy numbered 4.2.2.3 to replace what was formerly Policies 4.2.1.3, 4.2.3.2 and 3.2.3.1.1, reading as follows:

“Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.”

984. Policy 4.2.1.4 as notified, read:

“Development enhances connections to public recreation facilities, reserves, open space and active transport networks.”

985. The only submissions specifically on this policy supported its continued inclusion. Mr Paetz did not recommend any amendment to it.

986. For our part we have no difficulty with the substance of the policy. At present, however, it is stated as an outcome/objective. It needs to commence with a verb. Further, in the context of a policy to achieve an urban development objective, it ought to be clear that what it is talking about is indeed urban development. Lastly, the scope for urban development to achieve this policy will depend on the scale and location. Small scale development may have no opportunity to enhance connectivity in the urban environment. The policy needs to recognise that practical reality.

987. For these reasons, we recommend that this policy be renumbered 4.2.2.4 and amended to read:

“Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.”

988. Picking up on the point made above, while small scale urban development may have little scope to achieve the PDP’s strategic aspirations, large scale development has much greater opportunity to make a positive contribution to achievement of those strategic objectives. Policy 3.2.3.1.2 sought to recognise that, providing:

“That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.”

989. Submissions on it sought variously its deletion⁵⁶², and that reference be inserted to comprehensive design *“according to best practice design principles”*⁵⁶³.
990. We do not regard a generalised reference to best practice design principles as being particularly helpful without some indication as to what those principles are, or where they may be found enunciated, but do think this policy is valuable in this context for its emphasis on comprehensive planning of larger-scale development. The Proposed RPS goes further, suggesting that specified principles of good urban design be given effect⁵⁶⁴. However, this is one of many aspects of the Proposed RPS that is the subject of appeal and thus it is unclear at present whether we can rely on the currently specified principles of good urban design or even that there will continue to be a schedule specifying such principles (in order that they might then be cross referenced in the PDP - which would be the obvious way to give substance and clarity to the relief NZIA sought). Accordingly, we recommend that Policy 3.2.3.1.2 be shifted into Chapter 4 and renumbered 4.2.2.5, only amended to commence it with a verb, so that it indicates more clearly the proposed course of action, as follows:

“Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.”

991. The NZIA submission did, however, highlight the need for the District Plan to provide additional guidance in terms of identifying best practice design guidelines that should be employed. NZIA also reminded us that the Council is a signatory to the NZ Urban Design Protocols. We note also Council’s own submission⁵⁶⁵ promoting development of a Residential Design Guide to help reinforce design expectations. As the Council submission noted, incorporation of a design guide may require a variation to the PDP and we note that a variation to include design guidelines for Arrowtown now forms part of the PDP. For our part, we think that there is value in such design guides and recommend that the Council progress development of design guides for the other urban areas of the District in order that they might be incorporated into the PDP by future variations/plan changes. If the Proposed RPS, when finalised, still has a schedule of good urban design principles, then obviously that schedule should be drawn on as the basis for such guidelines.
992. In the interim, Policy 3.2.3.1.3 has the potential to provide some guidance in this area. As notified, it read:
- “Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.”*
993. Aside from Submissions 806 and 807, seeking that all the policies under Objective 3.2.3.1 be deleted, there were no submissions seeking its amendment. Submission 806 queried, in the alternative, the effectiveness of all three policies and whether they might be better addressed within specific zones.

⁵⁶² Submissions 806 and 807

⁵⁶³ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1244, FS1248 and FS1249

⁵⁶⁴ Proposed RPS, Policy 4.5.1(g), cross referencing Schedule 5 to the Proposed RPS. See also Policy 4.5.3 encouraging the use of the specified good urban design principles more directly.

⁵⁶⁵ Submission 383

994. We take the view that while generally expressed, this particular policy does add value to implementation of the Chapter 4 objectives we have recommended. It is also consistent with Policies 4.5.4 and 4.5.5 of the Proposed RPS, encouraging use of low impact design principles and that subdivision and development be designed to reduce the effect of the region’s colder climate. Given that no alternative wording has been suggested for its consideration, we recommend Policy 3.2.3.1.3 be shifted to Chapter 4 and renumbered 4.2.2.6, but otherwise not be amended.
995. We have already discussed a number of policies formerly located in Chapter 3 that, in our view, are more appropriately located in Chapter 4. At this point, we should discuss three further such policies. The first is Policy 3.2.6.2.3, which, as notified, read:
- “Explore and encourage innovative approaches to design to provide access to affordable housing.”*
996. The only submissions specifically on this policy supported its continued inclusion. Once again though, this policy along with the balance of Section 3.2.6, is the subject of a more general submission seeking the deletion of the entire section, or a significant reduction in the number of objectives and policies⁵⁶⁶.
997. Mr Paetz recommended that the word *“provide”* be substituted by *“help enable”*. The point of Mr Paetz’s recommendation is to make the obvious point that design can only make a contribution to provision of affordable housing. We also note a theme of the NZIA submissions, reinforced when its representatives appeared before us, that affordable housing did not need to be, and should not be, of substandard quality. We accept that point also. With those qualifications, however, and with a little grammatical tweaking to make it read more easily, we consider that this is a policy that adds some value to the package of urban development policies we are considering.
998. In summary, we recommend that Policy 3.2.6.2.3 be shifted from Chapter 3 into this part of Chapter 4, renumbered 4.2.2.7, and be amended to read:
- “Explore and encourage innovative approaches to design to assist provision of quality affordable housing.”*
999. The second policy notified in Chapter 3 that we consider is more appropriately located at this point of Chapter 4 is Policy 3.2.6.1.2. As notified, that policy read:
- “In applying plan provisions, have regard to the extent to which minimum size, density, height, building coverage and other controls influence Residential Activity affordability.”*
1000. The only submission specifically on this policy⁵⁶⁷ sought addition of reference to utilisation of community land by the Council for housing development to deliver quality affordable housing.
1001. Mr Paetz did not recommend any amendment to this policy.
1002. We recognise that the NZIA submission makes some valid points. Reducing the cost of housing construction does not ensure the availability of affordable housing, and a focus solely on affordability may risk a series of low quality developments creating slum-like conditions. The

⁵⁶⁶ Submission 807

⁵⁶⁷ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1241, FS1242, FS1248 and FS1249

potential for affordability issues to be addressed by use of community land is, however, a matter for Council to consider under the Local Government Act. As regards the broader issues raised by NZIA, in terms of the functions of the territorial authority under this Act, and the role of the District Plan, we regard it as being important to have regard to the impact regulation has on affordability, while not losing sight of desirability of not allowing concerns about affordability to be used as an excuse to promote poor quality developments. Both considerations have to be balanced against one another. We recommend that this tension be captured in this context with appropriate policy wording.

1003. The NZIA submission referred to ‘housing’ rather than ‘residential activity’. We view the former as identifying the subject matter more clearly and simply than the notified policy.

1004. Accordingly, we recommend that Policy 3.2.6.1.2 be shifted and relocated to this part of Chapter 4, renumbered 4.2.2.8 and amended to read:

“In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.”

1005. The third policy in Chapter 3 that we consider would add value if relocated into this context is Policy 3.2.6.4.1 which as notified, read:

“Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design.”

1006. This policy was not the subject of any submission seeking its amendment and Mr Paetz did not recommend any amendment to it.

1007. Accordingly, we recommend that Policy 3.2.6.4.1 be relocated to this part of Chapter 4 and renumbered 4.2.2.9 but not otherwise amended.

1008. We have reviewed the other policies related to urban development that we have recommended be deleted from Chapter 3. The level of overlap if not duplication between the existing and amended policies we have recommended for Chapter 4 and the balance of deleted Chapter 3 policies means that we do not consider that they would add value in implementing our recommended Objectives 4.2.2A and 4.2.2B.

1009. We should, however, note submissions seeking recognition of the maintenance of the ability to view and appreciate the naturalness of the night sky and to avoid unnecessary light pollution in Chapter 3⁵⁶⁸. While we do not consider that this matter passes the rigorous requirement for inclusion in the overarching strategic chapter, we think this is matter that might appropriately be considered in the context of new urban development, as an aspect of maintaining and enhancing the environment. Clearly, protection of the night sky cannot be pressed too far - the evidence for QAC emphasised the importance of navigation lights for its operations - but the submission focussed on avoiding unnecessary light pollution, which we consider, strikes the right balance. In section 32 terms, it is the most appropriate way to achieve the relevant objective.

⁵⁶⁸ Submissions 340 and 568.

1010. Accordingly, we recommend a new policy be inserted into Chapter 4, renumbered 4.2.2.10, and worded as follows:

“Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.”

1011. The same point arises also in the rural environment, and so we address it also in our Chapter 6 report.

1012. Proposed Policy 4.2.3.3 as notified read:

“Low density development does not compromise opportunities for future urban development.”

1013. The only submission specifically on this policy⁵⁶⁹ sought clarification as to how it would operate.

1014. Mr Paetz recommended that this policy be deleted in his Section 42A Report. Although Mr Paetz’s report did not explain his reasoning, when we discussed it with him, he explained that where land has been zoned for a certain intensity he thought it problematic to allow subsequent reconsideration of that position, notwithstanding the apparent inefficiency in land use. Mr Paetz emphasised that it was important to recognise that within the defined UGBs, there is a variable demand for residential development. In his words, it is not all about high density.

1015. While Mr Paetz’s recommendation could not be considered out of scope given more general submissions seeking deletion of the whole of Chapter 4, we consider that the policy does have a valid role in ensuring efficient use of the limited amount of land identified as appropriate for urban development. We agree with Mr Paetz that once low density development has occurred, it is problematic to impose intensification requirements. That is why, in fact, this policy is required, to ensure that where low density development occurs within UGBs, it is designed with an eye to subsequent potential infill development. The key aspects of design that determine the ability to accommodate infill development are the location of building platforms and the capacity of infrastructure (including roading), and we consider that these aspects should be referred to, to provide the clarification that NZIA seeks. Having said that, there is a practical limit to the extent future options can be preserved that needs to be acknowledged.

1016. In addition, as originally framed, the policy is expressed too broadly. It should apply only within UGBs, otherwise it might be read as constraining development of rural areas by reference to the demands of urban development that the PDP (as we recommend it be amended) seeks to avoid and that may well never occur.

1017. Lastly, the policy as notified was framed as an outcome/objective. It needs to start with a verb to state a course of action that will be followed.

1018. In summary, we recommend that Policy 4.2.3.3 be retained, renumbered 4.2.2.11, and clarified as sought by Submission 238 as follows:

⁵⁶⁹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

“Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development do not unnecessarily compromise opportunities for future urban development.”

1019. Following that theme, Policy 4.2.3.7 as notified read:

“The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas.”

1020. This Policy attracted a number of submissions ranging from seeking its deletion⁵⁷⁰, support for the Policy as proposed⁵⁷¹, detailed amendments to more clearly identify what adverse effects are being managed at the interface of urban/rural areas⁵⁷², and lastly, seeking recognition that a sensitive transition may not be appropriate⁵⁷³. The last submission drew attention to experience of rural residential zoning being based around the edge of urban areas in this district, and then failing to withstand development pressure. This submission suggests that in many cases, a hard urban edge is a better and more defensible approach.

1021. Mr Paetz recommended that this policy be retained but qualified to make it clear that the desired transition be addressed within UGBs. That suggested amendment reflected the discussion we had with both Mr Paetz and with Mr Bird as to where the transition needed to occur. Both agreed that if one accepted the principle of UGBs, the desired transition should occur within those boundaries.

1022. We agree in principle with Mr Paetz’s recommendation, largely for the practical reasons that Submission 836 draws attention to.

1023. We consider, however, that Submission 836 is correct in another respect. There are existing situations where it is impractical to contemplate a sensitive transition from urban to rural activities. Much of the existing urban area of inner Queenstown township is already built hard up to the UGB as it is, with the land (or water - Lake Wakatipu is the boundary for much of the town) on the rural side of the boundary being classified as an ONL. That position is not going to change and nor should it in our view. The policy therefore has to accommodate the fact that there will not be a sensitive transition in all cases. On the other hand, further development of Wanaka township towards the Cardrona Valley invites an appropriate transition from urban to rural activities.

1024. Lastly, while we think that the changes sought in Submission 608 would put too much detail around this policy, we regard the word ‘sensitive’ as somewhat problematic because of the lack of clarity as to what exactly it might mean in any given case.

1025. In summary, we recommend that Policy 4.2.3.7 be renumbered 4.2.2.12 and amended to read:

“Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary”.

1026. Policy 4.2.3.8 as notified read:

⁵⁷⁰ Submission 238 and 807: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁷¹ Submission 600: Supported in FS1209; Opposed in FS1034

⁵⁷² Submission 608: Opposed in FS1034

⁵⁷³ Submission 836

“Land Use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise.”

1027. Submissions on this policy ranged from supporting the policy in whole or in part⁵⁷⁴, seeking its deletion⁵⁷⁵ and seeking amendment to soften its effect⁵⁷⁶.
1028. We heard extensive evidence on the significance of Queenstown Airport, and on the terms of Plan Change 35 (to the ODP and that, as at the date of our hearing, it was nearing finalisation) that address management of reverse sensitivity effects on the airport. Mr Winchester submitted for the Council that while we are not bound by the outcome of the Plan Change 35 process, we should give it careful consideration given the amount of work that went into it and the very recent nature of the Environment Court’s consideration of these issues. We agree with that submission.
1029. Mr Paetz recommended that this particular policy be deleted and replaced by more specific policies under the heading of Objective 4.2.4, which relates to urban growth within the Queenstown UGB. We agree that this is the more logical place to provide for reverse sensitivity issues associated with Queenstown Airport.
1030. Accordingly, we recommend that Policy 4.2.3.8 be deleted. We will return to Queenstown Airport Issues as part of our consideration of Objective 4.2.4 and the policies related to it.
1031. In summary, we consider that the policies we have recommended are the most appropriate way to implement Objectives 4.2.2A and 4.2.2B, given they will be supplemented by the area specific policies discussed below.

6.5. Area Specific Objectives and Policies – Sections 4.2.4 – 4.2.6

1032. As notified, Chapter 4 provided three objectives outlining the outcomes sought in Queenstown, Arrowtown and Wanaka respectively:

“4.2.4 Manage the scale and location of urban growth in the Queenstown urban growth boundary;

4.2.5 Manage the scale and location of urban growth in the Arrowtown urban growth boundary;

4.2.6 Manage the scale and location of urban growth in the Wanaka urban growth boundary.”

1033. Many of the submissions on these objectives related to the location of the UGB in each case and have been considered in the appropriate mapping hearings. Submissions made on Objective 4.2.4 specifically sought that the first word be ‘confine’ rather than ‘manage’⁵⁷⁷, its

⁵⁷⁴ Submissions 238, 271 and 433: Supported in FS1077, Opposed in FS1097, FS1107, FS1117, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁷⁵ Submission 807

⁵⁷⁶ Submission 751: Supported in FS1061; Opposed in FS1061 and FS1340

⁵⁷⁷ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

amendment to refer to the Queenstown urban area rather than the Queenstown UGB⁵⁷⁸ and the deletion of the objective (and the associated policies)⁵⁷⁹.

1034. A number of submissions on Objective 4.2.5 likewise focused on the location of the UGB and will need to be considered in the mapping hearings. We note specifically Submission 285 seeking that the UGB for Arrowtown (4.2.5.1), be deleted. Most other submissions supported retention of the objective in its current form.
1035. Submissions on Objective 4.2.6 followed a similar pattern. Submission 608 sought reference to the Wanaka urban area rather than the Wanaka UGB⁵⁸⁰.
1036. We note also the submission by that submitter that the diagrams identifying the UGBs for Wanaka and Queenstown should be deleted.
1037. Mr Paetz did not recommend any change to these three objectives.
1038. For our part, we regard these three objectives as adding no value to the PDP. Currently they are all framed as policies (courses of action) rather than objectives, but more importantly, they provide no clear outcome against which policies can be managed other than that there will be a UGB at each location; something which is not necessary given the terms of Objective 4.2.2 (renumbered 4.2.1).
1039. We recommend that these three objectives might appropriately be deleted.
1040. We also recommend acceptance of Submission 608, that the diagrams showing the UGBs should likewise be deleted. The diagrams are at too large a scale to be useful and merely duplicate the much more detailed and useful information provided by the planning maps. Although Submission 608 was limited to the Wanaka and Queenstown UGB diagrams, we recommend deletion of the Arrowtown diagram as well for consistency. As above, the diagram duplicates information on the planning maps and therefore falls within the category of duplication that the Real Journeys' submission sought to be removed.
1041. Policy 4.2.4.1 as notified read:
- “Limit the spatial growth of Queenstown so that:*
- a. The natural environment is protected from encroachment by urban development;*
 - b. Sprawling of residential suburbs into rural areas is avoided;*
 - c. Residential settlements become better connected through the coordinated delivery of infrastructure and community facilities;*
 - d. Transport networks are integrated and the viability of public and active transport is improved;*
 - e. The provision of infrastructure occurs in a logical and sequenced manner;*
 - f. The role of Queenstown Town Centre as a key tourism and employment hub is strengthened;*
 - g. The role of Frankton in providing local, commercial and industrial services is strengthened.”*

1042. That might be compared with the comparable policy for Arrowtown (4.2.5.1), which read:

⁵⁷⁸ Submission 608: Opposed in FS1034

⁵⁷⁹ Submission 807

⁵⁸⁰ Opposed in FS1034

“Limit the spatial growth of Arrowtown, so that:

- a. *Adverse effects of development outside the Arrowtown urban growth boundary are avoided;*
- b. *The character and identity of the settlement, and its setting within the landscape is preserved or enhanced.”*

1043. Lastly, one might also have regard to Policy 4.2.6.1 which read:

“Limit the spatial growth of Wanaka so that:

- a. *The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River;*
- b. *A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity;*
- c. *Ad hoc development of rural land is avoided;*
- d. *Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development.”*

1044. The submissions specifically on Policy 4.2.4.1 included:

- a. Support for the policy, with suggested changes to expand on the description of Queenstown Town Centre and to make additional reference to Frankton as a separate township with its own identity⁵⁸¹;
- b. Amendment to refer to the outward expansion of the Queenstown urban area into the surrounding rural environment (rather than spatial growth), and to narrow reference to the natural environment⁵⁸²;
- c. Amendment of the reference to infrastructure to focus on where the cost burden falls⁵⁸³;
- d. Amendment to refer to integration of both land use and transport networks⁵⁸⁴;
- e. Amendment to provide that development should enable the efficient use of public transport services⁵⁸⁵.

1045. Policy 4.2.5.1 is not the subject of any submission specifically seeking amendment to it.

1046. Policy 4.2.6.1 is the subject of submissions seeking that the reference to protection of ONLs and ONFs from encroachment by urban development is replaced by a focus on avoiding, remedying or mitigating the effects of urban development within those areas⁵⁸⁶, focusing the policy on outward expansion of the Wanaka urban area into the surrounding rural environment (rather than on spatial growth) and removal of reference to ad hoc development of rural land⁵⁸⁷.

1047. These specific submissions also need to be read against the background of more general submissions seeking that Chapter 4 be deleted in whole or in large part⁵⁸⁸.

⁵⁸¹ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁸² Submission 608: Opposed in FS1034

⁵⁸³ Submission 608: Opposed in FS1034

⁵⁸⁴ Submission 719: Supported in FS1079

⁵⁸⁵ Submission 798

⁵⁸⁶ Submission 378: Supported in FS1097; Opposed in FS1049 and FS1095

⁵⁸⁷ Submission 608; Opposed in FS1034

⁵⁸⁸ Submissions 414, 653, 807 842: Supported in FS1255; Opposed in FS1071

1048. The only amendment to these three policies Mr Paetz recommended was the addition of reference to integration of land use and transport networks in Policy 4.2.4.1, as sought in Submission 719.
1049. When he appeared before us, Mr Goldsmith⁵⁸⁹ critiqued these policies focussing on their largely generic nature and what he asserted to be a lack of evidence to support key points. He argued that the urban settlement patterns of Wanaka and the Wakatipu Basin were quite different and that the policies governing urban growth needed to reflect those differences.
1050. In relation to Wanaka, Mr Goldsmith argued that a more robust site specific policy regime would acknowledge and reference the extent of Wanaka Community Planning processes that has been undertaken identifying the actual threat of urban growth that Wanaka faces, identify any structural constraints relevant to a Wanaka UGB, reference any specific adjoining ONL that requires additional protection, identify the time period being planned for and identify intended or desirable limitations on extension of the Wanaka UGB during the identified planning period.
1051. His critique of Policy 4.2.4.1 argued there was a lack of evidence to support the different elements of policy, particularly those related to provision of infrastructure. He also drew attention to the apparent lack of connection between the last two bullet points (focussing on the role of Queenstown and Frankton respectively) on the location of a UGB.
1052. In relation to Policy 4.2.5.1, Mr Goldsmith queried what the first bullet point quoted above actually meant, but accepted that the second bullet point correctly identifies the real (and in his submission, probably the only) reason for the Arrowtown UGB.
1053. We note in passing that none of Mr Goldsmith's clients lodged submissions or further submissions on these policies. His argument in relation to them was presumably premised on the 'collective scope' argument provided, in particular, by general submissions seeking deletion of all of Chapter 4. For this reason, we have considered his submissions on their merits.
1054. We consider there is merit in some (but not all) of Mr Goldsmith's criticisms of Policies 4.2.4.1, 4.2.5.1 and 4.2.6.1. They do suffer from being excessively generic, and therefore provide little guidance as to the basis on which the existing UGBs have been determined or on which future plan changes considering amendment to the UGBs (or identification of new UGBs) might be undertaken.
1055. We also take the view that the area specific policies might be better compartmentalised into Wakatipu Basin specific policies and Upper Clutha Basin specific policies. This would have two benefits. The first is that while Arrowtown has discrete issues and a clear rationale for its UGB, that policy needs to be put in the context of the urban growth policies applied to the balance of the Wakatipu Basin. As Mr Goldsmith drew to our attention, the Arrowtown UGB does not purport to provide for the level of anticipated population growth that might occur in the absence of a UGB. Rather, the intention is that the UGBs provided in the balance of the Wakatipu Basin will meet the anticipated demand for housing across the Basin. Similarly, broadening the focus of what is currently Policy 4.2.6.1 is a necessary consequence of the

⁵⁸⁹ Initially in his capacity as counsel for Allenby Farms Limited (Submission 502) Crosshill Farm Limited (Submission 531) and Mt Cardrona Station Limited (Submission 407) and then as counsel for Ayrburn Farm Estate Limited (Submission 430), Bridesdale Farm Developments Limited (655), Shotover Country Limited (528) and Mt Cardrona Station Limited (Submission 407)

recommendation we have made that Lake Hawea Township should be defined by a UGB, given the interrelationship of the economy of that township and the Wanaka Township.

1056. To make that division clear, we recommend that appropriate headings be placed in this part of Chapter 4 to differentiate Wakatipu Basin specific policies from the Upper Clutha Basin specific policies.
1057. Turning to the content of the Wakatipu Basin-specific policies, we start with Arrowtown. Policy 4.2.5.1 seeks to avoid adverse effects of development outside the Arrowtown UGB. As Mr Goldsmith observed, this leaves it open to speculation as to what sort of adverse effects the policy is focussed on.
1058. In the context of defining a UGB, the adverse effects in question are those of uncontrolled urban sprawl. We think the policy should say that. The second limb of the policy, emphasising the desire to retain the character and identity of the Arrowtown settlement is clearly well accepted. We consider it might be stated more simply and clearly, but this is an issue of drafting rather than substance.
1059. Lastly, while we have recommended that the UGB diagrams be deleted, in favour of just relying on the planning maps to identify the location of UGBs, it would be helpful to the readers of Chapter 4 if they were directed to the District Plan maps to find the relevant UGB.
1060. We therefore recommend a cross reference be inserted in the policy.
1061. In summary, we recommend a new policy intended to state more clearly the course of action Policy 4.2.5.1 seeks to implement, worded as follows:
- “Define the urban growth boundary for Arrowtown, as shown on the District Plan Maps, that preserves the existing character of Arrowtown and avoids urban sprawl into the adjacent rural areas.”*
1062. Turning to the balance of the Wakatipu Basin, it is apparent that the areas defined by UGBs are based on existing or consented areas of urban development. Policy 4.2.4.1’s focus on avoidance of sprawling developments into rural areas is likewise an obvious issue.
1063. The existing focus on protecting the natural environment from encroachment by urban development needs clarification. In the context of the Wakatipu Basin, it is not all of the natural environment, but rather ONLs and ONFs that are the focus.
1064. Also, a key, but currently unacknowledged, rationale for the UGBs that have been defined, is making sufficient provision both within existing developed areas and future greenfield areas to accommodate predicted population increases over the planning period. As above, this is a key differentiating feature as between Arrowtown and the balance of the Wakatipu Basin. This is broader than just providing for sufficient areas of new housing to accommodate residential needs. The NPSUDC 2016 emphasises the need for a broader focus, including in particular, on working environments. Community well-being also requires provision of community (including recreation) facilities.
1065. We agree, however, with Mr Goldsmith’s submission that policies seeking to recognise and protect the role of Queenstown and Frankton town centres are not relevant to the fixing of UGBs.

1066. Mr Goldsmith also argued that there was no evidence that infrastructure constraints were relevant to the fixing of UGBs. We have already noted⁵⁹⁰ that the answers Mr Glasner provided to our written questions tended to support that contention, but that his evidence also identified that the ability to identify where urban growth would occur (and when) is a key determinant in the efficient rollout of Council infrastructure. That evidence supports recognition of the desirability of a logical and sequenced provision of infrastructure as currently provided for in Policy 4.2.3.1⁵⁹¹. We agree with that position in principle, but we consider that the way it is framed needs to be reframed to recognise that while planning for urban growth can make the efficient provision of the infrastructure easier to accomplish, it cannot ensure that it occurs.
1067. The reference in the existing policy to coordination of infrastructure and community facilities (so as to promote better connected residential areas) raises the same issue.
1068. We recommend that these considerations be combined in a single policy linking the definition of UGBs in the Wakatipu Basin with enabling logical and sequenced provision both of infrastructure and community facilities.
1069. Lastly, although the emphasis given to integration of transport networks was supported by a number of submissions, the current pattern of urban development (and UGBs) in the balance of the Wakatipu Basin, with a series of geographically separated residential areas, does not lend itself to integrated transport planning. Nor is it obvious how UGBs would be relevant to achieving such integration, or to improving public and active transport viability, other than by precluding further sporadic development – which in our view is better addressed more directly via other policies we have recommended (see Policies 4.2.1.2, 4.2.2.14 and 4.2.2.22).
1070. Similarly, while it is desirable that these separated residential settlements become better connected, the relevance of the UGBs to that outcome was not apparent to us.
1071. In summary, we recommend that the appropriate policy to implement the objectives in Chapter 3 and 4 related to urban development in the Wakatipu Basin other than Arrowtown is numbered 4.2.2.14 and reads as follows:

“Define the urban growth boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps, that:

- a. *are based on existing urbanised areas;*
- b. *provide sufficient areas of urban development and the potential intensification of existing urban areas to accommodate predicted visitor and resident population increases over the planning period;*
- c. *enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development.*
- d. *avoid Outstanding Natural Features and Outstanding Natural Landscapes;*
- e. *avoid sprawling and sporadic urban development across rural areas of the Wakatipu Basin.”*

1072. Policy 4.2.4.2 as notified read:

⁵⁹⁰ See the Chapter 3 (Part B) section of our report at [555]

⁵⁹¹ We note that although Darby Planning LP (Submission 608) sought to amend that aspect of the Policy, Mr Ferguson giving evidence for the submitter noted his acceptance of Mr Glasner’s evidence on this point.

“Ensure the development within the Queenstown Urban Growth Boundary:

- a. Provides a diverse supply of residential development to cater for the needs of residents and visitors;*
- b. Provides increased density and locations close to key public transport routes and with convenient access to the Queenstown town centre;*
- c. Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment;*
- d. Provides infill development as a means to address future housing demand;*
- e. Provides a range of urban land uses that cater for the foreseeable needs of the community;*
- f. Maximises the efficiency of the existing infrastructure networks and avoids expansion of networks before it is needed for urban development;*
- g. Supports the co-ordinated planning for transport, public open space, walkways and cycleways and community facilities;*
- h. Does not diminish the qualities of significant landscape features.”*

1073. Submissions on this policy were largely supportive, but seeking specific amendments:
- a. To provide more emphasis on existing urban character and require that adverse effects of intensification be avoided, remedied or mitigated⁵⁹²;
 - b. To achieve a high quality urban environment responsive to the context of its surroundings, is respectful of view shafts, enhances and promotes Horne Creek and does not diminish the quality of other significant landscape features⁵⁹³;
 - c. To avoid reverse sensitivity effects on significant infrastructure⁵⁹⁴;
 - d. That refer to coordinated planning of education facilities⁵⁹⁵;
 - e. To delete reference to the UGB⁵⁹⁶;
 - f. To provide a more enabling approach to expansion of infrastructure networks⁵⁹⁷;
 - g. To add reference to wāhi tupuna⁵⁹⁸.
1074. The problem we have with Policy 4.2.4.2 is the extent of overlap and duplication with the policies in what is now Section 4.2.2. It also appears to us that Policy 4.2.4.2 over reaches in seeking to ensure a series of positive outcomes that at most, the District Plan can only encourage through an enabling zone and rule framework. From our perspective, the more general policies of what is now Section 4.2.2 better recognise the functions of the Council and the extent to which the District Plan can facilitate positive outcomes.
1075. We note also that the evidence of Mr Glasner did not support policies focussed on avoiding expansion of infrastructure networks within existing areas earmarked for urban development.
1076. In summary, we recommend that Policy 4.2.4.2 be deleted as not adding value to implementation of the relevant objectives (renumbered 4.2.2A and 4.2.2B).
1077. Policy 4.2.4.3 and 4.2.4.4 relate to Queenstown Airport issues. As notified, those policies read:

⁵⁹² Submission 208

⁵⁹³ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁹⁴ Submissions 271 and 805: Supported in FS1097 and FS1117; Opposed in FS1079 and FS1211

⁵⁹⁵ Submission 524

⁵⁹⁶ Submission 608: Opposed in FS1034

⁵⁹⁷ Submission 635

⁵⁹⁸ Submission 810

“4.2.4.3. Protect the Queenstown Airport from reverse sensitivity effects, and maintain residential amenity, through managing the effects of aircraft noise within critical listening environments or new or altered buildings within the Air, Noise, Boundary or Outer Control Boundary.

4.2.4.4 Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including the requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.”

1078. We also recall that notified Policy 4.2.3.8 addressed Queenstown Airport related to noise issues and we have recommended that be addressed at this juncture.

1079. Submissions on these policies ranged from querying whether they were expressed too strongly in favour of the airport⁵⁹⁹, seeking that the effect of the policies be strengthened⁶⁰⁰, to seeking to differentiate existing residential areas from rural and industrial areas and to add a new objective and policies on the subject⁶⁰¹.

1080. These provisions were the subject of extensive evidence and submission. Representatives of QAC emphasised to us that the Environment Court has only just resolved the final form of Plan Change 35 addressing these issues (as at the conclusion of the Stream 1 hearing, there was one issue only outstanding⁶⁰²) and counsel argued that the PDP ought not to deviate substantively from the result of Plan Change 35. The planning evidence from both Mr Kyle and Ms O’Sullivan for QAC suggested that there were substantive differences in meaning and outcome between Plan Change 35 and the PDP, both as notified, and as recommended by Council staff in the Section 42A Report.

1081. While, as counsel for the Council noted in his submissions, we are not legally bound by the outcome of the Plan Change 35 process, there is obvious sense in our being guided by the Environment Court as to how best to deal with reverse sensitivity effects on the airport’s operations in the absence of cogent evidence justifying an alternative approach. By contrast, Council staff appearing before us indicated that while they recommended changes from the wording of Plan Change 35, there was no intention for the end result to be substantively different. As already noted, we sought to reduce the issues in contention by directing expert caucusing.

1082. By the end of the hearing, Mr Paetz recommended a suite of objectives and policies addressing the issue and reflecting his discussions with the representatives of QAC and other stakeholders. The objectives recommended by Mr Paetz were in fact policies, not specifying an environmental outcome. We do not think objectives are necessary in this context given our recommendation that the objective governing urban development within UGBs is that it be integrated with provision and operation of infrastructure and services, of which Queenstown Airport is obviously one example.

1083. We accept, however, the policies that Mr Paetz recommended, renumbered 4.2.3.15-18 inclusive, with minor wording changes as follows:

⁵⁹⁹ Submission 238: Opposed in FS1077, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶⁰⁰ Submission 271: Opposed in FS1097, FS1117 and FS1270

⁶⁰¹ Submission 433: Supported in FS1077; Opposed in FS1097 and FS1117

⁶⁰² As at the date of our finalising this report, the Council’s website noted that it was still under appeal.

“Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.”

1084. Mr Paetz did not recommend retention of existing Policy 4.2.4.4. Although the policy does no more than record the terms of the QAC designation, we consider that it provides a useful role for stakeholders reading the provisions related to Queenstown Airport to highlight the relevance of those designation provisions. Accordingly, we recommend that it be renumbered 4.2.2.19, but otherwise be retained unamended.
1085. Policy 4.2.5.2 provides guidance as to the nature of development within the Arrowtown UGB. Unlike Policy 4.2.4.2, the policy is quite detailed as to what it is seeking to achieve and Arrowtown-specific.
1086. The only submission specifically on this policy sought reference to coordinated planning for transport, public open space, walkways and cycleways, and community and education facilities⁶⁰³.
1087. Mr Paetz did not recommend any amendment to this policy. Subsequent to the hearing, the Council resolved to amend this policy⁶⁰⁴ to update the reference to the Arrowtown Design Guidelines to reflect notification of revised Design Guidelines in 2016 (Variation 1 to the PDP) and the recommendations on that variation are set out in Report 9B⁶⁰⁵. We consider that as amended, this is an appropriate policy to assist implementation of recommended Objectives 4.2.2A and 4.2.2B, subject only to correction of a cross reference to the Rural General zone, renumbering it 4.2.2.20 and some minor drafting changes. We do not recommend the amendments sought in submission 524 which are generic in nature and would largely duplicate recommended Policy 4.2.2.2. As a result, the wording recommended is:

“Ensure that development within the Arrowtown Urban Growth Boundary provides:

- a. an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;*
- b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown’s Urban Growth Boundary;*

⁶⁰³ Submission 524: Supported in FS1061

⁶⁰⁴ Pursuant to Clause 16(2)

⁶⁰⁵ Section 6.1 in that Report

- c. *a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the landscape, where the development abuts the urban boundary for Arrowtown;*
- d. *for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource; and*
- e. *recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land."*

1088. We note in passing that if the changes proposed in the Stage 2 Variations remain substantively as at present, Policy 4.2.2.2(e) will require consequential amendment.

1089. Lastly, in relation to policies governing urban development in the Wakatipu Basin, we recommend a new policy be inserted to clarify the role of UGBs and the process for providing for additional urban development land.

1090. As will be seen shortly, notified Policy 4.2.6.2 provides such guidance for development of rural land outside of the Wanaka UGB. We consider that exactly the same considerations would apply to development of rural land outside the UGBs of the Wakatipu Basin.

1091. The need for such a policy is consequential on our recommendation that urban development outside of UGBs be avoided.

1092. We recommend that this issue be addressed by Policy 4.2.2.21, reading:

"Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes."

1093. We regard this as largely implicit in the objectives and policies we have recommended as above, but for similar reasons to other policies, we feel that providing this guidance would assist stakeholders reading Chapter 4 as a standalone guide to urban-development.

1094. Turning to the Upper Clutha area, we accept Mr Goldsmith's submission that Policy 4.2.6.1 needs to be more closely directed towards the specific situation in Wanaka (and now Lake Hawea Township, given our recommendation that a UGB be defined for that township). We also accept that a key feature of the Upper Clutha Basin is that long standing strategic community planning processes, identifying the boundaries to both Wanaka and Lake Hawea Township, have occurred and have widespread community support. We note in passing that we do not accept the criticism of Mr Dan Wells giving planning evidence for Bridesdale Farm Developments Ltd and Winton Partners Funds Management (No 2) Ltd, regarding the efficacy of community based structure plans as an expression of local opinion.

1095. In the case of Wanaka, we also consider that specific reference should be made to the natural boundaries provided by the Clutha and Cardrona Rivers, and Mount Alpha. Policy 4.2.6.1 refers to the rural character of the key entrances provided by the two rivers. We think that Mr Goldsmith's critique of that particular provision is well founded but we also agree with him that these key natural features (along with Mount Alpha) do have an important role – just not the role currently identified in the policy.

1096. As with Wakatipu Basin UGBs, it is clear that the existing UGB for Wanaka and that proposed by submitters for Lake Hawea are based on the existing urbanised area and are drawn with the intention of meeting anticipated population growth over the planning period. The policy should say that, and that the UGB has a role in avoiding sprawling and sporadic urban development across rural areas.

1097. In summary, we recommend the following policy, numbered 4.2.2.22, to replace existing Policy 4.2.6.1:

“Define the urban growth boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps, that:

- a. are based on existing urbanised areas;*
- b. provide sufficient areas of urban development and the potential intensification of existing urban areas to accommodate the predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;*
- c. have community support as expressed through strategic community planning processes;*
- d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mount Alpha as natural boundaries to the growth of Wanaka; and*
- e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.”*

1098. Policy 4.2.6.2 contains provisions seeking to guide development within the Wanaka UGB. As with the comparable policy for Queenstown (4.2.4.2) the suggested policy largely duplicates the more general policies we have recommended in 4.2.2.1 – 4.2.2.12. Hence, while submissions specifically on this policy are largely supportive, we do not view it as adding any great value to implementation of recommended Objective 4.2.2. and recommend that it be deleted.

1099. Lastly, existing Policy 4.2.6.2 reads:

“Rural land outside of the urban growth boundaries is not developed until further investigations indicate that more land is needed to meet demand.”

1100. Submissions vary from seeking that this aspect of the policy be expressed with greater finality (that rural land should not be developed irrespective of demand⁶⁰⁶) to submissions seeking that it be deleted⁶⁰⁷.

1101. We also bear in mind submissions seeking that the UGB should not be regarded as being set in stone⁶⁰⁸ and in the case of Wanaka should specifically identify the Outer Growth Boundary identified in the Wanaka 2020 structure plan process as the longer-term limit on urban sprawl⁶⁰⁹.

1102. We do not regard it as necessary to explicitly incorporate the Outer Growth Boundary at this time given the proposed recognition of the relevance of strategic community planning processes to fixing of the Wanaka UGB. We also consider that it is unrealistic to close the door on urban growth irrespective of demand in Wanaka. The situation is different to that in

⁶⁰⁶ Submission 69 and 795: Opposed in FS1012

⁶⁰⁷ Submission 608: Opposed in FS1034

⁶⁰⁸ Submission 335

⁶⁰⁹ Submission 773

Arrowtown, where a confined urban settlement pattern is sought to be preserved for reasons of urban character and the amenity that results from that character.

1103. Having said that, we regard it as important that the process by which the UGBs now being fixed might be changed should be clear. Accordingly, we recommend the same wording as for the comparable Wakatipu Basin Policy, numbered 4.2.2.23 and reading as follows:

“Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.”

1104. We consider that the area-specific policies we have recommended individually, and collectively with the policies in the balance of Section 4.2.2 ,are the most appropriate way to achieve Objectives 4.2.2A and 4.2.2B.

7. PART C - RECOMMENDATIONS

1105. We have set out in Appendix 1 the objectives and policies we are recommending for Chapter 4.
1106. We also draw the Council’s attention to our recommendation⁶¹⁰ that it develop urban design guidelines for the balance of the Wakatipu Basin, Wanaka and Lake Hawea Township, drawing on any guidance in the Proposed RPS following resolution of the appeals on that document, and introduce those guidelines into the PDP by variation/plan change.

⁶¹⁰ At paragraph [985] above

PART D - CHAPTER 6

8. OVERVIEW

1107. The purpose of this chapter is to recognise the landscape as a significant resource to the District which requires protection from inappropriate activities that could degrade its qualities, character and values. General submissions on Chapter 6 included requests that the entire chapter, or alternatively the objectives and policies in the chapter, be deleted and either replaced with the provisions already in section 4.2 of the ODP or unspecified elements thereof⁶¹¹.
1108. Some of these submissions made quite specific suggestions as to desired amendments to the existing section 4.2 of the ODP. Others were more generalised. A variation was in submissions such as submissions 693⁶¹² and 702 asking that Chapter 6 be deleted, and parts amalgamated with the Rural Chapter Section.
1109. Collectively, these submissions provide a broad jurisdiction to amend Chapter 6.
1110. We have addressed at some length in the context of our discussion of submissions on Chapter 3 whether it is appropriate to revert to the approach taken in the ODP to landscape management and have concluded that while a number of aspects of the ODP remain both relevant and of considerable assistance, the changed circumstances some 17 years after the initial key decision of the Environment Court on the form of the ODP⁶¹³ mean that a more strategic, directive approach is required. The commentary provided by Mr Barr in his Section 42A Report on Chapter 6 provides additional support for this view.
1111. Accordingly, we do not recommend wholesale changes to Chapter 6 to bring it into line with the ODP. Nor do we recommend it be amalgamated into the rural chapters. We consider it provides valuable strategic direction, consistent with the general structure of the PDP, with separate 'strategic' chapters. At an overview level, though, we recommend that the title of the chapter be amended to "*Landscapes and Rural Character*" to more correctly describe its subject matter. We regard this as a minor non-substantive change.
1112. Another theme of submissions on landscape issues was that the PDP's provisions were too protective of landscape values and existing activities that contribute to those values⁶¹⁴. In his evidence, Mr Jeff Brown put to us the proposition that growth will inevitably affect landscape values, that this needed to be accepted and that the focus of PDP needed to be on appropriate management of those effects⁶¹⁵. Counsel for Skyline Enterprises Ltd and others, Ms Robb, put a similar proposition to us, submitting⁶¹⁶:

⁶¹¹ Submissions 145, 632, 636, 643, 669, 688, 693, 702: Opposed in FS1097, FS1162, FS1254 and FS1313

⁶¹² Supported in FS1097

⁶¹³ C180/99

⁶¹⁴ See e.g. Submission 806

⁶¹⁵ J Brown, EIC at [2.2]

⁶¹⁶ Summary of legal submissions for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd, DE, ME Burn and LA Green, AK and RB Robins and Robins Farm Ltd and Slopehill JV at 6.1.-6.3

“The regime does not recognise the fundamental need for development to accommodate inevitable growth (both in the tourism and living sectors) or that certain development will contribute to people and communities’ appreciation of the District.

The assumption to be gained from the PDP is that Council is trying to protect rural areas from any development (other than productive rural activity) when in fact that is not what the PDP should be striving to achieve, at all.

Overall the PDP does not strike an appropriate balance between the protection, use and development of all resources. Accordingly, it is not the most appropriate regime to achieve the purpose of the Act.”

1113. Such submissions raise questions of the extent to which the PDP can and should provide for growth.
1114. We posed the question to Ms Black, who gave evidence on behalf of Real Journeys Ltd, whether it might be time to put out the “full up” sign at the entrance to Queenstown, rather than seek to cater for an ever-expanding influx of visitors to the District. Her initial reaction was one of surprise that one could contemplate such a position. Having reflected on the point, she suggested that it was very difficult to stop development. She drew our attention to the economic benefits to other districts from the number of visitors drawn to Queenstown and Wanaka, and also to the national objectives of the tourism industry.
1115. All of these matters are worthy of note, but Ms Black accepted also that there is a risk of too much development in the District ‘killing the golden goose’. Ms Black’s opinion might also be contrasted with the view expressed by Mr Goldsmith⁶¹⁷ that Queenstown can’t just keep growing.
1116. Overlaid on these considerations is now the NPSUDC 2016 which aims “to ensure that planning decisions enable the supply of housing needed to meet demand” while not anticipating “development occurring with disregard to its effect”⁶¹⁸.
1117. Ultimately, it is about arriving at the best balance we can between the use, development and protection of the District’s natural and physical resources⁶¹⁹, while complying with the legal obligations the Act imposes.
1118. We have not considered submissions⁶²⁰ that although nominally on Chapter 6, in fact raise issues outside the Council’s jurisdiction.
1119. Lastly, we note that our consideration of submissions on Chapter 6 needs to take into account the variation of some of its provisions notified on 23 November 2017. At a purely practical level, to the extent that the Stage 2 Variations delete or amend parts of Chapter 6, we do not need to make recommendations on those parts and existing submissions on them have been automatically transferred to the variation hearing process, by virtue of Clause 16B(1) of the First Schedule to the Act.

⁶¹⁷ When giving submissions for Ayrburn Farms Ltd, Bridesdale Farm Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd

⁶¹⁸ NPSUDC 2016 Forward at pages 3 and 4

⁶¹⁹ Noting that that was how Ms Robb concluded her submissions – putting her position in terms of how the PDP had struck that balance.

⁶²⁰ See Submission 380

1120. Our recommended version of Chapter 6 in Appendix 1 therefore shows the provisions of the notified Chapter the subject of the Stage 2 Variation greyed out, to differentiate them from the provisions we recommend.

8.1. Section 6.1 - Purpose

1121. This section provides a general outline of the Purpose of the chapter as whole.

1122. The only submission seeking specific amendments to it was that of NZIA⁶²¹ seeking that it also refer to urban landscapes.

1123. Mr Barr recommended only drafting changes in his Section 42A Report.

1124. The primary focus of Chapter 6 is on rural landscapes, and the visual amenity issues in urban areas are dealt with in Chapter 4, and the more detailed provisions of Part Three of the PDP. However, Chapter 6 is not solely on rural landscapes and we accept that some amendment to the Statement of Purpose in Section 6.1 is appropriate to recognise that.

1125. In addition, submissions on Chapter 3 discussed above⁶²² sought greater guidance on the relationship between Chapter 3 and the balance of the PDP. We have recommended an amendment to Section 3.1 to provide such guidance. As a consequential measure, we recommend that parallel changes should be made to Section 6.1.

1126. Lastly, the second paragraph of Section 6.1 requires amendment in various respects:

- a. It is something of an overstatement to say categorisation of landscapes will provide certainty of their importance to the District. We recommend inserting the word “*greater*” to make it clear that this is an issue of degree;
- b. The reference to regional legislation needs to be corrected. The relevant instruments are Regional Policy Statements;
- c. Saying that categorisation of landscapes has been undertaken “*to align with*” regional [policy] and national legislation is somewhat misleading. Certainly, categorisation of landscapes aligns with the Proposed RPS, but it would be more correct to say that categorisation of landscapes “*responds to*” regional policy and national legislation;
- d. The reference to the RMA at the end of the second paragraph appears an unnecessary duplication, as well as lacking clarity. Given the specific reference to ONLs and ONFs, this is shorthand for consideration of adverse effects.

1127. In summary, we recommend that the Statement of Purpose be amended to read as:

“The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. It needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.”

⁶²¹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶²² Submissions 179, 191, 781: Supported in FS1121; Opposed in FS1132

8.2. Section 6.2 - Values

1128. Section 6.2 contains a general discussion of landscape values that provide the background to the objectives and policies that follow in the balance of the chapter.
1129. Submissions on Section 6.2 include:
- Requesting that it be more descriptive and acknowledge the inherent values of the District's rural landscapes, especially ONLs and ONFs⁶²³;
 - Requesting it acknowledge urban landscapes and their values, and that references to farmland, farms and farming activities be amended⁶²⁴;
 - Requesting it acknowledge the role of infrastructure and the locational constraints that activity has⁶²⁵;
 - Requesting that it note the form of landscape Council wishes to retain and plan for a variety of future housing in both urban and rural areas⁶²⁶;
 - Requesting it acknowledge the appropriateness of rural living, subject to specified preconditions⁶²⁷;
 - Requesting insertion of a broader acknowledgement of activities that might be enabled in rural locations⁶²⁸;
 - Support for its current text⁶²⁹ or its intent⁶³⁰.
1130. Mr Barr recommended an amendment to the text to acknowledge that there is some, albeit limited, capacity for rural living in appropriate locations in rural areas, but otherwise recommends only minor drafting changes.
1131. We also record that the Stage 2 Variations delete the final (eighth) paragraph of the notified Section 6.2. Our recommended version of Chapter 6 accordingly shows that paragraph as greyed out, and we have not addressed submissions on it.
1132. We accept NZIA's request that reference in the fourth paragraph to productive farmland be amended to "*rural land*". While Dr Marion Read noted in her evidence the relationship of farming to rural character, its open character is not related to the productivity of the land. Otherwise, we do not recommend acceptance of the NZIA submissions, reflecting the fact that the primary focus of the chapter is on rural landscapes.
1133. We agree with Mr Barr that some acknowledgement of rural living is required. We take the view, however, that the amendments to the sixth paragraph of Section 6.2 need to be a little more extensive than Mr Barr suggests. If the discussion is going to acknowledge that rural living is appropriate in some locations, it needs to provide greater guidance as to where those locations might be (and equally where the locations are where such development would not be appropriate). We do not consider that the broader acknowledgement requested in submission 608 is required in an introductory discussion.

⁶²³ Submission 110: Opposed in FS1097

⁶²⁴ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1238, FS1241, FS1242, FS1248, FS1249 and FS1255

⁶²⁵ Submissions 251, 433, 805: Supported in FS1077, FS1092, FS1097, FS1115 and FS1117

⁶²⁶ Submission 442

⁶²⁷ Submissions 375, 430, 437, 456: Supported in FS1097; Opposed in FS1084, FS1087, FS1160 and FS1282

⁶²⁸ Submission 608: Supported in FS1097, FS1154 and FS1158; Opposed in FS1034

⁶²⁹ Submission 600: Opposed in FS1034

⁶³⁰ Submission 755

1134. Similarly, we do not recommend that specific reference be made to infrastructure requirements in this context. While these issues are important and need to be addressed in the policies of Chapter 6, this introductory discussion does not purport to discuss every matter addressed in the substantive provisions that follow, nor need it to do so.
1135. We acknowledge that landscapes have inherent values, and agree that such values might be acknowledged.
1136. Other submissions are expressed too generally for us to base substantive amendments on.
1137. The first paragraph of Section 6.2 uses the term ‘*environmental image*’. The same term was used in Section 4.1 and we have recommended that “*the natural and built environment*” be substituted in that context. For consistency, the same amendment should be made in this context.
1138. The fifth paragraph refers to rural areas closer to Queenstown and Wanaka town centres as having particular characteristics. It would be more accurate to refer to rural areas closer to Queenstown and Wanaka urban areas.
1139. In summary, we recommend the following changes to Section 6.2:
- a. Substitute “*the natural and built environment*” for “*environmental image*” at the end of the first paragraph and add a further sentence:

“Those landscapes also have inherent values, particularly to tangata whenua.”

- b. Substitute “*rural land*” for “*productive farmland*” in the first line of the fourth paragraph;
- c. Substitute reference to “*urban areas*” for “*town centres*” in the fifth paragraph;
- d. Amend the sixth paragraph to read as follows:

“While acknowledging these areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or approaching the finite capacity of the landscape need to be identified if the District’s distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.”

8.3. Section 6 Objectives

1140. A number of submissions have been made on the objectives of Chapter 6. Mr Barr recommended one objective be deleted and that amendments be made to the balance. We have taken a broader view of the matter.
1141. The objectives all overlap with the objectives of Chapter 3, insofar as the latter address landscape values and rural character. The submissions on the objectives, if accepted, would not materially alter this position⁶³¹. The Chapter 3 objectives already specify the desired end result and our view is that Chapter 6 need only specify additional policies to assist achievement of those broad objectives.

⁶³¹ Many submissions, if accepted, would make the objectives inconsistent with the direction provided in Chapter 3, or alternatively would make them generalised to the point where they provide no meaningful assistance in achieving the purpose of the Act.

1142. In summary, therefore, to avoid duplication⁶³² we recommend deletion of all of the objectives in Chapter 6 as being the most appropriate way to achieve the purpose of the Act, as it relates to landscape and rural character.
1143. We have generally classified the many submissions seeking to soften the effects of the objectives as notified in a multitude of different ways as ‘Accepted in Part’.
1144. Some submitters have sought additional objectives be inserted into Chapter 6. In particular, NZIA⁶³³ requests addition of a new objective framed:
- “Recognise the importance of high quality town centre landscapes within the District’s natural landscape.”*
1145. We do not recommend that this objective be inserted for the following reasons:
- It is not framed as an objective (an environmental end point) and it is difficult to discern how it could be redrafted in order to do so.
 - The urban areas of the District are too small to constitute a landscape in their own right⁶³⁴.
 - As above, the principal focus of Chapter 6 is on rural landscapes.
1146. None of the other objectives suggested appeared to us to add value against the background of the provisions recommended in Chapter 3.

8.4. Policies – Categorising Rural Landscapes

1147. As notified, Policies 6.3.1.1 and 6.3.1.2 provided for identification of ONLs and ONFs on the planning maps and classification of Rural Zoned landscapes as ONL, ONF and Rural Landscape Classification.
1148. The only submissions specifically seeking changes to them, sought their deletion⁶³⁵, identification of the balance of rural landscapes on the planning maps⁶³⁶ and a change in the label for those rural landscapes⁶³⁷.
1149. Policy 6.3.1.1 duplicated recommended Policy 3.3.29 and accordingly, we recommend that it be deleted.
1150. As regards Policy 6.3.1.2, the notified version of Chapter 6 has a number of other provisions relating to the landscape classifications: Policy 6.3.8.3 and 6.3.8.4 together with Rules 6.4.1.2-4. It is appropriate that those provisions be considered here, subject to the effect of the Stage 2 Variations.
1151. As notified, Policy 6.3.8.3 read:

⁶³² Consistent with Real Journeys Limited’s submission (Submission 621)

⁶³³ Submission 238: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶³⁴ See the discussion for example in *Lakes District Rural Landowners Society Inc and Ors v Queenstown Lakes District Council C75/2001* at paragraph 7 on the need for a ‘landscape’ to meet a minimum areal requirement.

⁶³⁵ Submission 806

⁶³⁶ Submission 761

⁶³⁷ Submissions 375 and 456: Opposed in FS1282

“Exclude identified Ski Area Sub-Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.”

1152. Policy 6.3.8.4 read:

“Provide a separate regulatory regime for the Gibbston Valley, identified as the Gibbston Character Zone, in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.”

1153. Lastly, Rules 6.4.1.2-4 read:

“6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Directions Chapter’s objectives and policies are relevant and applicable in all zones where landscape values are in issue.

6.4.1.3 The landscape categories do not apply to the following within the Rural Zones:

- 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.*

6.4.1.4 The landscape categories apply to lakes and rivers. Except where otherwise stated or shown on the Planning Maps, lakes and rivers are categorised as Outstanding Natural Landscapes.”

1154. The Stage 2 Variations have made amendments to both Rules 6.4.1.2 and 6.4.1.3, which will need to be considered as part of the hearing process for these variations. Specifically:

- a. The first sentence of Rule 6.4.1.2 has been deleted;
- b. The first line of Rule 6.4.1.3 has been amended to refer to landscape “assessment matters” rather than landscape “categories”;
- c. Rules 6.4.1.3 c., d. and e. have been deleted.

1155. The submissions on the provisions quoted included:

- a. Support for exclusion of the ski areas from landscape categories⁶³⁸;
- b. A request to extend the ski area exclusion to include access corridors, delete reference to environmental controls and add recognition of the importance of these areas⁶³⁹;
- c. A request to extend the ambit of Rule 6.4.1.2 to exclude Chapter 6 from having any application outside the Rural Zone⁶⁴⁰;
- d. A request for clarification as to whether landscape classification objectives and policies apply to special zones like Millbrook⁶⁴¹;
- e. A request for clarification that landscape classification objectives and policies do not apply to the Rural Lifestyle Zone and the Rural Residential Zone⁶⁴²;

⁶³⁸ Submissions 608, 610, 613: Opposed in FS1034

⁶³⁹ Submission 806: Supported in FS1229

⁶⁴⁰ Submissions 443 and 452

⁶⁴¹ Submission 696

⁶⁴² Submissions 669 and 694

- f. A request to revise the drafting of Rule 6.4.1.2 and 6.4.1.3 to more clearly express what is included or excluded⁶⁴³;
 - g. A request to add the Hydro Generation Zone as a further zone excluded from the landscape classifications⁶⁴⁴;
 - h. A request to add reference to trails undertaken by the Queenstown Trail or Upper Clutha Tracks Trusts⁶⁴⁵;
 - i. A request to delete Rule 6.4.1.4 or clarify the reference to ONLs⁶⁴⁶.
1156. Mr Barr recommended deletion of Rules 6.4.1.2 and 6.4.1.4 and amendment of Rule 6.4.1.3 to refer to landscape assessment matters (rather than landscape categories) and to delete reference in the Rule to the Gibbston Character Zone, the Rural Lifestyle Zone and the Rural Residential Zone. Some of those recommendations have been overtaken by the Stage 2 Variations and do not need to be considered further. Mr Barr did not recommend amendment to the two policies noted above (which are not the subject of the Stage 2 Variations).
1157. We found these provisions collectively exceedingly confusing, overlapping, and, in part, contradictory. It is not surprising there were so many submissions seeking clarification of them.
1158. Mr Barr’s recommendations did not materially assist and, in one view, confused the matter still further by implying that while the landscape assessment criteria apply only in the Rural Zone, the landscape categorisations as ONL, ONF and Rural Character Landscape (as relabelled) apply as shown on the planning maps, with the sole exceptions of the Ski Area Sub-Zones and the Gibbston Valley Character Zone (by virtue of Policies 6.3.8.3 and 6.3.8.4). That would mean all of the special zones, the Rural Lifestyle Zone and the Rural Residential zone are subject to the landscape categorisations. Inclusion of the special zones would in turn be inconsistent with Mr Barr’s recommended revised Policy 6.3.1.1. (that like notified Policy 6.3.1.2) indicates that the intention is to classify the “*Rural Zoned Landscapes*”. On the face of the matter, land in the Rural Lifestyle Zone and the Rural Residential Zone would not qualify as “*Rural Zoned landscapes*” either (given it refers to “*Rural Zoned*” rather than “*rural zoned*” landscapes).
1159. The effect of the Stage 2 Variations is to remove the explicit statements in Section 6.2 and Rule 6.4.1.2 that the landscape categories apply only in the Rural Zone, but does not change notified Policy 6.3.1.2.
1160. Last, but not least, as some submitters pointed out at the hearing, the planning maps identify ONFs within special zones in Arrowtown and at Jacks Point. The Stage 2 Variations do not change that position either.
1161. Stepping back from the explicit and implicit statements in the PDP regarding application of the landscape categories, we make the following observations:
- a. The Planning Maps do not clearly or consistently identify the boundaries of the areas denoted ONL, ONF and (particularly) RLC (now RCL) in all locations.
 - b. Land in the Rural Residential and Rural Lifestyle Zones has been identified as such either because it is already developed or because it has the capacity (in landscape terms) to absorb a greater density of development than the balance of rurally zoned areas. If more

⁶⁴³ Submission 836: Supported in FS1085

⁶⁴⁴ Submission 580: Opposed in FS1040

⁶⁴⁵ Submission 671

⁶⁴⁶ Submission 836

land is identified as appropriately having one or other of these zones applied to it following the mapping hearings, it will be for the same reasons. While the objectives and policies of Chapter 22 refer to the potential for such zones to be located in sensitive landscapes, and have provisions to address that situation, those provisions are not framed with reference to the landscape categories.

- c. The Gibbston Character Zone has its own specific provisions to manage landscape character and there might similarly be considered to be a case for it to sit outside the categorisation process as a result;
- d. The special zones are just that, "*special*". They vary in nature, but a common feature is that landscape provisions have already been taken into account in identifying the land as subject to a special zone. In addition, to the extent that Mr Barr's recommended relief would or might have the effect that special zones are subject to the landscape classifications, we consider there is no scope to make that change. Submission 836 (that Mr Barr has relied upon), seeks only non- substantive drafting changes. As regards the specific request by Contact Energy Ltd to add specific reference to the Hydro Generation Zone, this is neither necessary nor appropriate. The Hydro Generation Zone is a '*special*' zone under the ODP. Assuming it retains that status in subsequent stages of the District Plan process, it will be excluded automatically. More to the point, if we were to list that particular zone, we would presumably have to list all the special zones, to avoid the implication that they were not excluded;
- e. The Frankton Arm is not readily considered under a classification that seeks to retain its rural character. It is obviously not "*rural*". As such, it might appropriately be excluded from the classification process entirely, having been identified as not outstanding. That raises questions in our minds as to the apparent classification of a large section of the Hawea River, and the lower section of the Cardrona River, above its confluence with the Clutha, as Rural Character Landscapes, but those rivers might be considered small enough that the policies related to that classification are still applicable;
- f. The fact that the District Plan maps show parts of ONFs in Arrowtown and Jacks Point respectively as being within special zones is an anomaly if the intention is that all ONFs and ONLs be managed in accordance with the objectives and policies governing ONLs and ONFs. The special zone at Arrowtown will be considered as part of a subsequent stage of the District Plan review and we recommend the area occupied by the ONF be zoned Rural as part of that process. The Jacks Point Structure Plan already recognises the landscape values of the areas currently identified as ONF and ONL within the boundary of the zone, with provisions precluding development in those areas, reinforced by the recommended provisions of Chapter 41, and so there is not the same imperative to address it.
- g. The fact that the PDP maps shows ONL and ONF lines as extending into residential zones appears to be an error, given the provisions of the PDP already noted. We discussed the incursion of the Mt Iron ONF line into the residential zoned land on the west side of the mountain with Mr Barr and he advised it was a mapping error. We will treat that (and the other examples we noted) as being something to be addressed in the mapping hearings, assuming there is jurisdiction and evidence to do so.
- h. Although perpetuating the ODP in this regard, the exclusion for the Ski Area Sub-Zones is anomalous because it is contrary to case law⁶⁴⁷ holding that the inquiry as to whether a landscape is outstanding is a discrete issue that needs to be resolved on landscape grounds, and that the planning provisions are a consequence of its categorisation as outstanding, not the reverse. Counsel for Darby Planning LP argued that the ski areas were properly excluded from the ONL classification because they are not '*natural*'. That may be the case (Darby Planning did not adduce expert evidence to support that contention), but the ski areas appear too small to constitute a separate '*landscape*' based

⁶⁴⁷

Man O'War Station Limited v Auckland Council [2015] NZHC 767: Affirmed [2017] NZCA 24

on the tests previously applied by the Environment Court. In any event, we have no submission that would give us jurisdiction to delete the exclusion for the ski area subzones in Policy 6.3.8.3⁶⁴⁸ and thus we only note it as an anomaly. The Council should consider whether it is necessary to initiate a variation in this regard;

- i. Given the *Man O'War* decisions (referred to above) though, the submissions for Queenstown Park Limited⁶⁴⁹ and Queenstown Trails Trusts seeking additional exclusions from the consequences of classification as ONL (or ONF) cannot be accepted.

1162. We also note that it was not at all clear to us whether the contents of Section 6.4.1 are correctly described as “rules”.

1163. While section 76(4) of the Act is silent as to what a rule in a District Plan may do, normally rules govern activities having an adverse effect on the environment. Rules 6.4.1.2-4 quoted above are (as the heading for Section 6.4.1 suggests) essentially explanations as to how policies should be interpreted and applied. Rule 6.4.1.1. is a clarification of the term “*subdivision and development*”. Rule 6.4.1.5 is similarly a clarification as to the applicability of the objectives and policies of the landscape chapter to utilities. Mr Barr recommended, in any event, that it be deleted as it is not necessary.

1164. Mr Barr recommended in his reply evidence that Section 6.4 might more appropriately be headed Implementation Methods. That recommendation has now been overtaken by the Stage 2 Variations, meaning that Rules 6.4.1.2-3 must remain in Chapter 6, as amended, for future consideration. We consider, however, that the content of Rule 6.4.1.4 would more appropriately be addressed in policies in common with notified Policies 6.3.8.3 and 6.3.8.4. Rule 6.4.1.1 might appropriately be shifted to the definition section (Chapter 2). Currently that rule reads:

“The term ‘subdivision and development’ includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures”.

1165. A submission was made on this ‘rule’ by PowerNet Limited⁶⁵⁰ seeking that “*subdivision and development*” should not include “*infrastructure structures and activities that are not associated with the subdivision and development*”.

1166. It is not clear whether the submitter seeks an exclusion from the policies in Chapter 6 for infrastructure that is associated with subdivision and development (read literally that would be the effect of the submission, if accepted). If that is the intention, we do not accept it. It is important that the effects of a subdivision be considered holistically. It would be unrealistic and undesirable if, for instance, the effects of a subdivision on landscape character were considered without taking into account the effects of the internal roading network necessitated by the subdivision. No amendment is necessary for infrastructure not associated with the subdivision and development because the existing rule only includes “*associated*” activities as it is.

1167. In summary, we recommend no change to the rule, but that it be shifted to Chapter 2. The end result will of course be the same.

⁶⁴⁸ The exclusion formerly in Rule 6.4.1.2(a) has been effectively removed by the Stage 2 Variations.

⁶⁴⁹ Submission 806

⁶⁵⁰ Submission 251: Supported in FS1092 and FS1097

1168. We agree with Mr Barr that Rule 6.4.1.5 is an unnecessary duplication and should be deleted.
1169. Turning then as to how Rule 6.4.1.4 might be amalgamated into the policies along with 6.3.8.3 and 6.3.8.4, we have no jurisdiction to expand notified Policy 6.3.1.2 to apply beyond the Rural Zone. Its deletion (as sought in Submission 806) would have the effect that the landscape categories would not have any policy support indicating where they apply. Given the deletions from the text of Chapter 6 accomplished by the Stage 2 Variations and the lack of consistency in the planning maps identifying their location, we do not regard that as a satisfactory outcome – the lack of clarity, legitimately the subject of a number of submissions, would be exacerbated.
1170. We do not regard retention of Policy 6.3.1.2 as inconsistent with the varied provisions notified in November 2017. While Rule 6.4.1.2, as revised by the Stage 2 Variations, states that the objectives and policies of Chapters 3 and 6 apply in all zones where landscape values are in issue, that application presumably must depend on the terms of the relevant objective or policy. Recommended Objective 3.2.5.1 for instance will not apply to landscapes that are not ONL's.
1171. In summary, therefore, we recommend that Policy 6.3.1.2 be renumbered 6.3.1, and refer to Rural Character Landscapes, but otherwise be retained unamended, and that two amended policies numbered 6.3.2 and 6.3.3 be inserted to follow it, building on existing policies as follows:
- “Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape landscape categories applied to the balance of the Rural Zone.*
- Provide a separate regulatory regime for the Gibbston Character Zone, Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape landscape categories, and the policies of this chapter related to those categories, do not apply unless otherwise stated.”*
1172. While the two policies have a similar end result and could potentially be collapsed together, we consider there is some value in differentiating the zones that have discrete chapters in the PDP outlining how they are to be managed, from the Ski Area Sub-Zones and the Frankton Arm that are part of the Rural Zone.
1173. We recommend that Rule 6.4.1.4 should be deleted, as a consequence.
1174. We consider that these policies, operating in conjunction with the policies of Chapter 3 related to categorisation of landscapes are the most appropriate way to achieve Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.1 and 3.2.5.2 at a strategic level, having regard to the jurisdictional limitations on our consideration of these matters.
- 8.5. Policies – Managing Activities in the Rural Zones**
1175. Consequential on the suggested deletion of the objectives in this chapter, there is a need to organise the policies flowing from categorisation of rural landscapes into a logical order. We recommend that this be done first by grouping the policies managing activities throughout the

rural zones (that is, within the Rural, Rural Residential, Rural Lifestyle and Gibbston Character Zones); secondly by gathering the policies that are specific to managing activities in ONLs and ONFs; thirdly by grouping together policies related to managing activities in RCLs; and lastly by grouping together the policies related to managing activities related to lakes and rivers. We recommend that this division be made clear by including suitable headings as follows:

- a. *“Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone;*
- b. *Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features;*
- c. *Managing Activities in Rural Character Landscapes;*
- d. *Managing Activities on Lakes and Rivers”.*

1176. Insertion of headings for the balance of the chapter requires a new heading for the three policies related to land categorisation that we have already recommended. We recommend the heading *“Rural Landscape Categorisation”* be inserted.

1177. Turning to the policies falling under the first bullet pointed heading above, the first that requires consideration is what was formerly numbered Policy 6.3.1.5, which read:

“Avoid urban subdivision and development in the rural zones.”

1178. Submissions on this policy sought a wide range of relief from its deletion to significant amendments. Mr Barr recommended its amendment to read:

“Discourage urban subdivision and urban development in the rural zones.”

1179. The substance of this policy has already been addressed in the context of our Chapter 3 report above and we have recommended that urban development outside the defined UGBs and existing settlements where UGBs have not been defined should be avoided. It follows that we recommend that all of the submissions on this policy (apart from the single submission seeking its retention) be rejected. The only amendment we recommend to the policy is to clarify what is meant by *“urban subdivision”*.

1180. Accordingly, we recommend that Policy 6.3.1.5 be renumbered 6.3.4 and amended to read:

“Avoid urban development and subdivision to urban densities in the rural zones”.

1181. The second policy common to all of the rural zones is Policy 6.3.1.8 which as notified, read:

“Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.”

1182. Submissions on this policy sought variously its deletion⁶⁵¹, shifting provision for lighting into the rural chapter⁶⁵², carving out an exception for navigation and safety lighting⁶⁵³, and generally to give greater prominence to the significance of the night sky as a key aspect of the District’s natural environment⁶⁵⁴.

⁶⁵¹ Submission 761

⁶⁵² Submission 806

⁶⁵³ Submission 621: Supported in FS1097; Opposed in FS1282

⁶⁵⁴ Submission 340

1183. We also note a separate submission seeking recognition of the maintenance of the ability to view and appreciate the naturalness of the night sky and to avoid unnecessary light pollution in Chapter 3⁶⁵⁵. As discussed in Part C of our report, while we do not consider that this passes the rigorous requirement for inclusion in Chapter 3, we have taken this submission into account in this context.

1184. Mr Barr recommended the policy be amended to read:

“Ensure that the location and direction of lights avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.”

1185. As Submission 568 (G Bisset) pointed out, the issue under this policy is views of the night sky (rather than degradation of the night sky per se). The night sky itself cannot be impacted by any actions taken on the ground.

1186. Second, we think that Real Journeys is correct, and provision needs to be made for navigation and safety lighting. We suggest that the policy refer to “unnecessary” degradation of views of the night sky. We also take on board a point made by Mr Ben Farrell in his evidence, that Mr Barr’s recommendation omitted reference to glare, the minimisation of which is important to night-time navigation on Lake Wakatipu.

1187. Mr Barr’s reasoning⁶⁵⁶ was that zone provisions control glare. However, in our view, some reference to glare is required at broader policy level. Again though, it is not all glare that needs to be avoided.

1188. We also think that Mr Barr’s suggested reformulation treats loss of remoteness as a discrete issue when (where applicable) it is an aspect of landscape character. It might also be seen to introduce some ambiguity as to what the qualifier (where it is an important part of that character) refers to. This can be avoided with a little redrafting.

1189. Accordingly, we recommend that Policy 6.3.1.8 be renumbered 6.3.5 and amended to read:

“Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and landscape character, including of the sense of remoteness where it is an important part of that character.”

1190. Policy 6.3.1.9 as notified read:

“Ensure the District’s distinctive landscapes are not degraded by forestry and timber harvesting activities.”

1191. One submission on this policy sought clarification of linkages with provisions related to indigenous vegetation and biodiversity and as to the extent of any limitations on timber harvesting⁶⁵⁷. Another submission sought that the policy be deleted in this context and shifted to the rural chapter⁶⁵⁸.

⁶⁵⁵ Submission 568

⁶⁵⁶ In the Section 42A Report at page 22

⁶⁵⁷ Submission 117

⁶⁵⁸ Submission 806

1192. We do not recommend the latter as this is a landscape issue common to all rural zones. We do recommend minor changes responding to Submission 117, to make it clear that this policy has no connection to indigenous vegetation or biodiversity provisions and to limit the breadth of the reference to timber harvesting (which might otherwise be seen as inconsistent with the policy focus on controlling wilding species). Accordingly, we recommend that Policy 6.3.1.9 be renumbered 6.3.6 and amended to read:

“Ensure the District’s distinctive landscapes are not degraded by production forestry planting and harvesting activities.”

1193. Policy 6.3.1.10, as notified, read:

“Recognise that low-intensity pastoral farming on large land holdings contributes to the District’s landscape character.”

1194. Submissions on this policy sought variously deletion of specific reference to pastoral farming and to the size of land holdings⁶⁵⁹, deletion of the reference to the size of land holdings⁶⁶⁰, deletion of the policy entirely or its amendment to recognise that it is the maintenance of landscape values that contributes to landscape character⁶⁶¹.

1195. Mr Barr did not recommend any change to his policy. Consequent with our recommendations in relation to notified Policy 3.2.5.5.1, we recommend that the focus of this policy should be enabling low intensity pastoral farming to continue its contribution to landscape character. While it is understandable that submitters take the view that many activities contribute to rural landscape character, large pastoral land holdings in the District have a particular role in this regard and we consider it is appropriate that they be recognised. We also consider no specific reference is required to more intensive farming⁶⁶², since the policy does not purport to enable that.

1196. In summary, we recommend that Policy 6.3.1.10 be renumbered 6.3.7 and amended to read:

“Enable continuation of the contribution low-intensity pastoral farming on large land holdings makes to the District’s landscape character.”

1197. Policy 6.3.7.2, as notified, read:

“Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes.”

1198. Submissions on this policy sought variously its deletion⁶⁶³, its retention⁶⁶⁴ or softening the policy to refer to avoiding, remedying or mitigating indigenous vegetation clearance⁶⁶⁵ or

⁶⁵⁹ Submission 238: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶⁶⁰ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1282

⁶⁶¹ Submission 806

⁶⁶² See e.g. Submission 110

⁶⁶³ Submission 806

⁶⁶⁴ Submission 600: Supported in FS1209; Opposed in FS1034

⁶⁶⁵ Submissions 519 and 598 (the latter in tandem with deletion of the word “significantly”): Supported in FS1015, FS1097 and FS1287; Opposed in FS1356

alternatively to significant ONFs and ONLs⁶⁶⁶. Mr Barr did not recommend any change to the policy as notified.

1199. Given that the focus of the policy is on significant degradation to visual character and landscape qualities, we take the view that an avoidance policy is appropriate. It could be amended to expand its focus (as Submission 598 suggests) but we see little value in an “*avoid, remedy or mitigate*” type policy in this context. We also consider that the policy has broader application than just indigenous vegetation in ONLs and on ONFs (that are significant by definition).

1200. Accordingly, we recommend no change to this policy, other than to renumber it 6.3.8.

1201. Policy 6.3.7.1, as notified, read:

“Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.”

1202. Two submissions⁶⁶⁷ sought amendment to this policy – that it refers to ‘biodiversity’ rather than ‘nature conservation’ values, and recognise that values might change over time. Mr Barr recommended that it remain as notified and, other than renumbering it 6.3.9, we concur. Given the revised definition of ‘nature conservation values’ we consider it an appropriate focus in this context. Similarly, we consider the policy already contemplates change.

1203. We also consider that this policy provides adequate support at a high level for offsetting, fleshed out by the provisions of Chapters 21 and 33. We therefore concur with Mr Barr’s view that no new policy on the subject⁶⁶⁸ is required.

1204. Policies 6.3.8.1 and 6.3.8.2 related to tourism infrastructure, commercial recreation and tourism related activities. Policy 6.3.8.1 provided for acknowledgement of tourism infrastructure. 6.3.8.2 involved recognition of the appropriateness of commercial recreation and tourism related activities. Most of the submissions on these policies were supportive, seeking amendments to extend their ambit.

1205. We have recommended that Policy 6.3.8.2 be shifted into the Strategic Chapter to better recognise the importance of these matters. We do not see Policy 6.3.8.1 as adding any value independently of 6.3.8.2 and accordingly both should be deleted from this chapter, as a consequential change.

1206. Policy 6.3.3.2 as notified read:

“Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.”

⁶⁶⁶ Submission 378: Opposed in FS1049 and FS1282

⁶⁶⁷ Submissions 378 and 806: Opposed in FS1049 and FS1282

⁶⁶⁸ As sought in Submission 608: Supported in FS1097 and FS1117; Opposed in FS1015 and FS1034

1207. Submissions on this policy sought variously minor drafting changes⁶⁶⁹, clarification that a significant degree of degradation is required⁶⁷⁰ and its deletion⁶⁷¹.
1208. Mr Barr did not recommend any change to this policy.
1209. We have considered whether this policy should properly extend to subdivision and development in the Rural Residential, Rural Lifestyle and Gibbston Character Zones. While Mr Carey Vivian suggested an amendment that would have this effect, given the limited scope of submissions on this policy, an extension of its ambit would in our view be outside scope and require a variation. Having considered that possibility on its merits, we do not recommend such a variation be advanced. Land is zoned Rural Lifestyle, or Rural Residential in the knowledge that that zoning involves acceptance of a greater density of development than the Rural Zone. If land is adjacent to an ONF, that proximity, and the potential for adverse effects on the ONF should be considered at the point the land is zoned. The Gibbston Character Zone is not adjacent to an ONF, and so the issue does not arise for land in the Gibbston Valley.
1210. Returning to the notified form of Policy 6.3.3.2, we regard degradation as importing a more than minor adverse effect, but for clarity, recommend that the policy be amended to say that. We have considered the evidence as to alternative ways in which a qualitative element might be introduced into this policy. Ms Louise Taylor⁶⁷² suggested adding “*as a whole*”, so as to give it a spatial dimension. Mr Carey Vivian suggested that the test be whether the landscape quality and visual amenity “*values*” of the ONF are adversely affected. Given the objective sought to be achieved (3.2.5.1), we consider a ‘*more than minor adverse effect*’ test is a more appropriate test. We also think that a more than minor adverse effect would, in all likelihood degrade an ONF ‘*as a whole*’ and adversely affect the values that make it significant⁶⁷³. The only other amendments we would recommend are consequential (to refer to Rural Character Landscapes and renumber it 6.3.10) and clarification (to make it clear that the focus is on the ONF to which subdivision and development is adjacent).
1211. Accordingly, we recommend that this Policy be amended to read:
- “Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).”*
1212. Policy 6.3.5.4 as notified read:
- “Encourage any landscaping to be sustainable and consistent with the established character of the area.”*
1213. The only submissions specifically on this policy sought its retention. Mr Barr recommended one minor change, to clarify that the reference to sustainability in this context is not the broad concept in section 5 of the Act, but rather relates to whether landscaping is viable.

⁶⁶⁹ Submission 375: Opposed in FS1097 and FS1282

⁶⁷⁰ Submissions 519 and 598: Supported in FS1015, FS1097 and FS1287; Opposed in FS1282 and FS1356

⁶⁷¹ Submissions 355 and 598: Supported in FS1287; Opposed in FS1282 and FS1320

⁶⁷² Giving evidence for Matukituki Trust

⁶⁷³ The focus of Proposed RPS, Policy 3.2.4

1214. We agree with the thinking behind that suggested change, but consider it could be made clearer. Accordingly, we recommend that this Policy be renumbered 6.3.11 and amended to read:

“Encourage any landscaping to be ecologically viable and consistent with the established character of the area.”

1215. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies both in Chapter 3 and in the balance of this chapter, they are the most appropriate way to achieve the objectives in Chapter 3 relevant to use, development and protection of the rural areas of the District at a strategic level.

8.6. Policies – Managing Activities in ONLs and on ONFs

1216. As notified, Policy 6.3.1.3 read:

“That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1. and 21.7.3 because subdivision and development is inappropriate in almost all locations meaning successful applications will be exceptional cases.”

1217. Submissions on this policy included:

- a. Seeking that the Policy be restricted to a cross reference to the assessment matters⁶⁷⁴;
- b. Seeking to delete reference to the assessment matters, but retain the emphasis on subdivision and development being generally inappropriate⁶⁷⁵;
- c. Seeking to delete it entirely⁶⁷⁶;
- d. Seeking to amend the concluding words to soften the expectations as the number of locations where developments will be inappropriate⁶⁷⁷;
- e. Seeking to amend the policy to state the intention to protect ONLs or ONFs from inappropriate subdivision, use or development⁶⁷⁸;
- f. Seeking to qualify the policy to provide specifically for infrastructure with its own test, or alternatively add a new policy the same effect⁶⁷⁹.

1218. In his reply evidence, Mr Barr recommended this policy be amended to read:

“That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the districtwide Outstanding Natural Landscapes.”

⁶⁷⁴ Submissions 249, 355, 502, 519, 621: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282, FS1320 and FS1356

⁶⁷⁵ Submissions 375, 437, 456: Opposed in FS1015, FS1097, FS1160 and FS1282

⁶⁷⁶ Submissions 624, 806

⁶⁷⁷ Submissions 598: Supported in FS1097, FS1117 and FS1287; Opposed in FS1282

⁶⁷⁸ Submission 581: Supported in FS1097; Opposed in FS1282

⁶⁷⁹ Submissions 251, 805: Supported in FS1092, FS1097 and FS1115; Opposed in FS1282

1219. The recommended amendment recognises a distinction drawn in the initial Environment Court decision on the ODP⁶⁸⁰ between the reduced capacity of the Wakatipu Basin ONLs to absorb change, compared to the ONLs in the balance of the District⁶⁸¹.
1220. A number of the planning witnesses who appeared at the hearing criticised this policy as notified as inappropriately prejudicing applications yet to be made. Ms Louise Taylor suggested to us for instance that such predetermination was inconsistent with the caselaw applying a *'broad judgment'* to resource consent applications.
1221. Mr Tim Williams noted also that there were a number of examples where developments in ONLs had been found to be appropriate. While Mr Williams did not say so explicitly, the implication was that it is not factually correct that appropriate development in an ONL is an exceptional case.
1222. As against those views, Mr John May gave evidence suggesting that the notified policy was both realistic and reflected the sensitivity and value of the District's landscapes.
1223. The Environment Court thought it was necessary to make comment about the likelihood of applications being successful in the ODP to make it clear that the discretionary activity status afforded activities in ONLs and ONFs under the ODP did not carry the usual connotation that such activities are potentially suitable in most if not all locations in a zone⁶⁸². The Environment Court made it clear that, were this not able to be stated, a more restrictive, non-complying activity would be appropriate.
1224. Mr Goldsmith⁶⁸³ submitted to us that the existing reference to appropriate development in ONLs being an exceptional case originated from the Environment Court's identification of the ONLs in the Wakatipu Basin as requiring a greater level of protection. He also submitted that elevation of the existing provision into a policy required justification and evidence⁶⁸⁴.
1225. We do not think Mr Goldsmith's first point is factually correct. While the initial consideration in the Environment Court's mind might have been the vulnerability of the Wakatipu Basin ONLs, the ODP text the Court approved reads:
- "... in or on outstanding natural landscapes and features, the relevant activities are inappropriate in almost all locations within the zone, **particularly** within the Wakatipu Basin or in the Inner Upper Clutha area..."* [Emphasis added]
1226. On the second point, we do not think elevation from a provision explaining the rule status ascribed to a policy requires justification in the sense Mr Goldsmith was arguing. Clearly the Environment Court thought that was the position as a fact. Whether it should now be expressed as a policy turns on whether that is the most appropriate way to achieve the relevant objective (3.2.5.1) which we have already found to be the most appropriate way to achieve the purpose of the Act. This is the basis on which we have approached the matter.

⁶⁸⁰ C180/99 at [136]

⁶⁸¹ See ODP Section 1.5.3iii(iii)

⁶⁸² Refer the discussion in *Lakes District Rural Landowners Society Inc v Queenstown Lakes District Council* C75/2001 at 41-46

⁶⁸³ When appearing for Ayrburn Farm Estate Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd. Mr Brown gave planning evidence supporting that submission.

⁶⁸⁴ Mr Carey Vivian also drew our attention to the way in which the language had been changed from the ODP, and expressed the view that it made little sense as a policy.

1227. As regards Ms Taylor’s ‘*broad judgment*’ point, we rely on the confirmation provided by the Supreme Court in *King Salmon* that plan policies may emphasise protection rather than use and development consistently with the purpose of the Act, depending on the circumstances. We also note more recent authority⁶⁸⁵ holding that reference back to Part 2 of the Act⁶⁸⁶ is only required where plan provisions are invalid, incomplete or unclear.
1228. For our part, we had a problem with Policy 6.3.1.3 (and Policy 6.3.1.4 that follows it) because of the way they refer to assessment matters. As Ms Taylor observed⁶⁸⁷, the role of assessment matters is to assist implementation of policies in a plan. We do not consider that it is appropriate that assessment matters act as quasi-policies. If they are effectively policies, they should be stated as policies in the Plan.
1229. We also consider it would be more helpful to explain not just that successful applications will be exceptional, but also to give some guidance as to what characteristics will determine whether they will be successful. As Mr Vivian observed, merely stating the general point makes little sense as a policy. The capacity to absorb change is clearly one important factor – refer notified Policy 6.3.4.1. The ODP identifies as another important touchstone (in the context of the policies governing ONLs in the Wakatipu Basin and ONFs) whether buildings and structures and associated roading and boundary developments are reasonably difficult to see. Mr Haworth (arguing in support of the more general UCES submission seeking that the ODP provisions governing development in rural areas should be retained in preference to the PDP provisions) was particularly critical of the loss of this criterion, and we consider it to be an aspect of the ODP that could usefully be carried over into the PDP.
1230. There is, however, one issue with the ODP wording. The ODP provides no indication of the viewpoint from which changes to the landscape must be reasonably difficult to see. This is surprising given that in the initial Environment Court decision on the ODP, the Environment Court observed:
- “Further, even if one considers landscapes in the loose sense of ‘views of scenery’ the first question that arises is as to where the view is from. One cannot separate the view from the viewer and their viewpoint.”*⁶⁸⁸
1231. The specific question of how this particular criterion should be framed was considered in a later decision in the sequence finalising the ODP⁶⁸⁹.
1232. From that decision, it appears that the Council proffered a test of visibility based on what could be seen *“outside the property they are located on”*. Mr Goldsmith, then acting for a number of parties on the ODP appeals, is recorded as having argued that that qualification was otiose⁶⁹⁰. Counsel for the Council, Mr Marquet, is recorded as having argued that they protected landowners’ rights.

⁶⁸⁵ *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52

⁶⁸⁶ And therefore to a broad judgment on the application of section 5

⁶⁸⁷ As part of her evidence on behalf of X-Ray Trust Ltd.

⁶⁸⁸ C180/99 at [74]

⁶⁸⁹ C74/2000

⁶⁹⁰ That is, serving no useful purpose

1233. The Court took the position⁶⁹¹ that the views enjoyed by neighbours should not be determinative, and directed that the qualification be deleted.
1234. With respect to the reasoning of the Environment Court, the problem we see with the end result is that without definition of the viewpoint, reasonable visibility should presumably be determined from every relevant point. Moreover, virtually nothing will be “*reasonably difficult to see*” if one views it from sufficiently close range (unless a development takes place entirely underground). The point of having a visibility test depends on having a viewpoint that is far enough away to provide a developer with an opportunity to construct a development that meets the test. Clearly that will not be possible in all cases, nor, perhaps, in many cases.
1235. But the developer needs to have that opportunity, otherwise the policy becomes one which, as counsel and witnesses for a number of submitters contended was the case with the existing PDP policies in relation to development in ONLs, can never be met.
1236. In summary, we think that the test needs to be what is reasonably difficult to see “*from beyond the boundary of the site the subject of application*”. The location of the boundary of the site in relation to the development will of course vary according to the circumstances. The land beyond the boundary might be privately or publicly owned. We considered specifying visibility from a public viewpoint (i.e. a road). Given, however, that the purpose of this requirement is ultimately to provide better definition of more than minor adverse effects of subdivision, use and development on (among other things) visual amenity values of ONLs (refer recommended Objective 3.2.5.1), this would not be the most appropriate way to achieve the objective in section 32 terms.
1237. Any alternative viewpoint would necessarily be arbitrary (some specified minimum distance perhaps) and somewhat unsatisfactory for that reason.
1238. In summary, therefore, we recommend that Policy 6.3.1.3 be renumbered 6.3.12 and amended to read:
- “Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.”*
1239. Policy 6.3.1.12, as notified read:
- “Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua including Tōpuni.”*
1240. Submissions on this policy sought variously its deletion⁶⁹², introduction of reference to inappropriate subdivision, use and development both with and without reference to the

⁶⁹¹ C74/2000 at [15]

⁶⁹² Submissions 621 and 806: Opposed in FS1282

specific values currently identified⁶⁹³, reference to a method that would identify the values in question⁶⁹⁴, and expansion of the policy to include reference to Wāhi Tupuna⁶⁹⁵

1241. When Mr Barr appeared at the hearing, we asked why it was appropriate to refer to the specific values noted in this policy as a subset of all of the values that ONLs and ONFs might have. He explained that the intention was to capture the values that might not be obvious, and he recommended no change to the policy.
1242. Mr Barr makes a good point, that these particular values would not be obvious to the casual observer. As is discussed in the Hearing Panel's Stream 1A report (Report 2), consultation with Tangata Whenua is an important mechanism by which one can identify cultural elements in a landscape that would not otherwise be obvious. On that basis, we think it appropriate in principle to identify the significance of these particular values.
1243. For the same reason, we do not think it necessary or appropriate to insert reference to a method whereby the Council will identify all the values in question. In the case of cultural values at least, while the mapping of Wāhi Tupuna planned as part of a later stage in the District Plan review process will assist, it is primarily the responsibility of applicants for resource consent to identify whether and what values are present in landscapes that might be affected by their proposals.
1244. Submitter 810 makes a valid point, seeking reference to wāhi tupuna. The representatives of the submitter who gave evidence as part of the Stream 1A hearing indicated that there was likely to be an overlap in practice between ONLs and wāhi tupuna. Chapter 5 addresses the protection of wāhi tupuna, but if this policy is going to make specific reference to tōpuni as a matter of cultural and spiritual value to tangata whenua, we think that reference should also be made to wāhi tupuna.
1245. We have already discussed at length the utility of a qualification of policies such as this by reference to inappropriate subdivision, use and development. In summary, given the interpretation of that term by Supreme Court in its *King Salmon* decision, we do not think that it would materially alter the effect of a policy such as this.
1246. Having said that, we do have a problem with the existing wording in that recommended Objective 3.2.5.1. and Policy 3.3.29 already "*recognise and provide for*" the protection of ONLs and ONFs. The role of this policy is to flesh out how Objective 3.2.5.1 is achieved beyond what Policy 3.3.29 already says. To avoid that duplication, we recommend that the policy be renumbered 6.3.13 and reframed slightly to read:

"Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wāhi tupuna."

1247. Policy 6.3.4.2 as notified read:

⁶⁹³ Submissions 355 and 806: Supported in FS1097; Opposed in FS1282 and FS1320

⁶⁹⁴ Submission 355: Supported in FS1097; Opposed in FS1282 and FS1320

⁶⁹⁵ Submission 810 (noting that the other aspect of the relief sought by this submitter – referring to Manawhenua rather than Tangata Whenua – was withdrawn by the submitter by submitters representatives when they appeared in the Stream 1A Hearing)

“Recognise that large parts of the District’s Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscapes is not adversely affected.”

1248. Only one submitter sought amendments specifically to this policy, seeking that it be broadened to enable any uses that might modify the landscape⁶⁹⁶.
1249. Mr Barr did not recommend any change to this policy. We concur.
1250. In the part of our report addressing Chapter 3, we recommended that the viability of farming be identified as a specific issue to be addressed by the strategy objectives and policies of that chapter. The same reasoning supports this policy.
1251. We do not consider it is appropriate to provide an open-ended recognition for any changes to ONLs. We do not think such recognition would be consistent with recommended Objective 3.2.5.1. We note also that Mr Jeff Brown, giving evidence on behalf of submitter 806 among others, did not support the relief sought in this submission.
1252. Mr Tim Williams suggested that reference might be made to other land uses, while retaining reference to the quality and character of the ONLs. While that approach is not open to the obvious objection above, we regard the extent to which non-farming activities in ONLs are accommodated as something generally best left for determination under the more general policies of Chapter 3. We discuss possible exceptions to that position below.
1253. Accordingly, we recommend that policy 6.3.4.2 be renumbered 6.3.14 but otherwise adopted with only a minor grammatical change to read:

“Recognise that large parts of the District’s Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscapes is not adversely affected.”

1254. Policy 6.3.3.1 of the PDP as notified read:

“Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.”

1255. Submitters on this policy sought that it be deleted or alternatively qualified to refer to qualities of the relevant ONFs, to refer to inappropriate subdivision and development, or to have less of an avoidance focus. Although Mr Barr did not recommend any change to this policy, we view it as duplicating recommended Policy 3.3.30 and therefore recommend that it be deleted as adding no additional value.
1256. Policy 6.3.4.4. as notified read:

“The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large scale mineral extraction development proposals including

⁶⁹⁶ Submission 806

windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District”.

1257. Submissions on this policy largely opposed it. The view was expressed that the policy inappropriately predetermines the outcome of resource consent applications yet to be made.
1258. Mr Barr recommended one minor change to make it clear that the policy refers to ‘new’ large scale renewable electricity generation proposals.
1259. Mr Vivian suggested to us that there was a need to balance the landscape values affected against the positive benefits of renewable electricity generation.
1260. At least in the case of ONLs and ONFs, we do not think there is scope for the balancing process Mr Vivian had in mind.
1261. Mr Napp, appearing for Straterra⁶⁹⁷ sought to persuade us that the Waihi and Macraes mines provided examples of large scale proposals with well-developed restoration protocols. Mr Napp, however, accepted that the nature of the terrain any open cast mine would encounter in this District would make reinstatement a difficult proposition and that it was hard to imagine any large open cast mining proposal in an ONL would be consentable. While Mr Napp emphasised that modern mining techniques are much less destructive of the landscape than was formerly the case, we think that the existing policy wording still leaves room for an exceptional proposal. Mr Napp also did not seek to persuade us that there was any great likelihood of such a proposal being launched within the planning period.
1262. Mr Druce, appearing as the representative of Contact Energy⁶⁹⁸, likewise indicated that that company was not anticipating any new generation being installed in the Upper Clutha Catchment. Given the terms of the Water Conservation Order on the Kawarau River and its tributaries (as recently extended to include the Nevis River), there would thus appear to be no likelihood of any new large hydro generation facilities being constructed in the District within the planning period either.
1263. The policy refers specifically to wind farm or hydro energy developments. We do not think that specific reference is necessary given the definition of renewable electricity generation in the NPSREG 2011. We think that a new large scale solar electricity generation plant would be equally unlikely to be compatible with the values of ONLs and the resources to fuel any other renewable electricity generation project are not available within the District.
1264. We also find the duplicated reference to ONLs somewhat clumsy and consider it could be shortened without loss of meaning.
1265. Accordingly, we recommend that this policy be renumbered 6.3.15 and amended to read:

“The landscape, character and amenity values of the Outstanding Natural Landscapes are a significant intrinsic, economic, and recreational resource, such that new large scale renewable electricity generation or new large-scale mineral extraction development proposals are not likely to be compatible with them.”

⁶⁹⁷ Submission 598

⁶⁹⁸ Submission 580

1266. In relation to activities in ONLs and ONFs, Trojan Helmet Limited⁶⁹⁹ sought that the notified Policy 6.3.5.6 (which applied to non-outstanding landscapes and emphasised the relevance of open landscape character where it is open at present), be shifted so as to apply to ONLs. As the submitter noted, this is already a policy of the ODP. Mr Jeff Brown supported that position in his evidence.
1267. We will address the relevance of open landscape character in non-outstanding landscapes shortly, but in summary, we agree that open landscape character is an aspect both of ONLs and ONFs that should be emphasised.
1268. Accordingly, we recommend that this submission be accepted and that a new policy related to managing activities of ONLs and ONFs numbered 6.3.16 be inserted as follows:
- “Maintain the open landscape character of Outstanding Natural Landscapes and Outstanding Natural Features where it is open at present.”*
1269. Another area where submissions sought new policies was in relation to recognition of infrastructure. We heard extensive evidence and legal argument from both Transpower New Zealand Limited and QAC seeking greater recognition of the significance of infrastructure and the locational constraints it is under. Representatives for Transpower also emphasised the relevance of the NPSET 2008 to this issue.
1270. We have already discussed at some length the latter point, but in summary, we recognise that greater recognition for regionally significant infrastructure is desirable.
1271. Mr Barr recommended that a new Policy 6.3.1.12 be inserted reading:
- “Regionally significant infrastructure shall be located to avoid, remedy or mitigate degradation of the landscape, while acknowledging location constraints, technical or operational requirements.”*
1272. We agree that the correct focus, consistent with Policy 4.3.2 and 4.3.3 of the Proposed RPS, is on regionally significant infrastructure. We have already commented on the appropriate definition of that term⁷⁰⁰.
1273. When we discussed this policy wording with Mr Barr, he explained that reference to *“acknowledging”* locational constraints was intended to mean something between just noting them and enabling infrastructure to proceed as a result of such constraints. He was reluctant, however, to recommend qualifiers that, in his view, would require a significant amplification of the text.
1274. We also bear in mind the reply evidence of Mr Paetz who, after initially been supportive of an alternative policy wording (in the context of Chapter 3) providing for mitigation of the impacts of regionally significant infrastructure on ONLs and ONFs where practicable, came to the view that this would not be likely to allow the Council to fulfil its functions in terms of sections 6(a) and 6(b) of the Act.

⁶⁹⁹ Submission 437: Supported (in part) in FS1097

⁷⁰⁰ Refer our discussion of this issue at Section 3.18 above.

1275. We note the comments of the Environment Court in its initial ODP decision⁷⁰¹ rejecting a “where practicable” exclusion for infrastructure effects on ONLs. The Court stated:

“That is not a correct approach. The policy should be one that gives the Council the final say on location within Outstanding Natural Features.”

1276. We record that counsel for Transpower Limited appeared reluctant to accept that even a “where practicable” type approach would be consistent with the NPSET 2008 formulation, “seek to avoid”. For the reasons stated in our Chapter 3 report, we do not agree with that interpretation of the NPSET 2008.

1277. Having regard to the fact that we are considering what policies would most appropriately give effect to our recommended Objectives 3.2.1.9 and 3.2.5.1, we think it follows that the policy cannot permit significant adverse effects on ONLs and ONFs.

1278. Similarly, and consistently with the NPSET 2008, we think the initial approach should be to seek to avoid all adverse effects. Where adverse effects cannot be avoided, we think that they should be reduced to the smallest extent practically possible; i.e. minimised.

1279. In summary, therefore, we recommend insertion of two new policies numbered 6.3.17 and 6.3.18, worded as follows:

“Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

“In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.”

1280. We recognise that this leaves a potential policy gap for infrastructure that does not fall within the definition of regionally significant infrastructure. We consider the issues posed by such infrastructure are appropriately addressed in the more detailed provisions of Chapters 21 and 30. This is also consistent with our recommendation above that the former Rule 6.4.1.1 be converted to a new definition. As a result, the provision of infrastructure associated with subdivision and development will be considered at the same time as the development to which it relates.

1281. Submission 608⁷⁰² also sought a new policy providing for offsetting for wilding tree control within ONLs and ONFs. The submitter did not provide evidence supporting the suggested policy, relying on the reasons in its submission which, while advocating for the policy, did not explain how it would work in practice. Mr Barr recommended against its acceptance. As he put it, it seemed “the submitter wishes to trade the removal of a pest for accepting degradation of the landscape resource”. We agree. In the context of ONLs and ONFs, whose protection we are required to recognise and provide for, we would require considerable convincing that this is an appropriate policy response, including but not limited to a cogent section 32AA analysis, which the submitter did not provide.

⁷⁰¹ C180/99 at [72]

⁷⁰² Supported in FS1097 and FS1117; Opposed in FS1015 and FS1034

1282. Lastly under this heading, we note that Policy 6.3.1.7 as notified read:

“When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.”

1283. Mr Barr recommended a minor drafting change to this policy. For our part, and for the reasons discussed in our Chapter 4 report, we view this as a matter that is more appropriately dealt with in Chapter 4. We recommend that it be deleted from Chapter 6 and the submissions on it addressed in the context of Chapter 4.

1284. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies of Chapter 3 and those in the balance of this chapter, these policies are the most appropriate way, at a strategic level, to achieve the objectives in Chapter 3 relevant to use, development and protection of ONLs and ONFs – principally Objective 3.2.5.1, but also including Objectives 3.2.1.1, 3.2.1.7, 3.2.1.9, 3.2.3.1, 3.2.4.1 and 3.2.7.1.

8.7. Policies – Managing Activities in Rural Character Landscapes

1285. Policy 6.3.1.4, as notified, read:

“That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.”

1286. This policy attracted a large number of submissions. Submissions included:

- a. Seeking deletion of the policy⁷⁰³;
- b. That it refer only to assessment against the assessment matters⁷⁰⁴;
- c. Deleting reference to the assessment matters and providing for adverse effects to be avoided, remedied or mitigated⁷⁰⁵;
- d. Qualifying the application of the policy by reference to the requirements of regionally significant infrastructure⁷⁰⁶.

1287. Mr Barr recommended that the word *“inappropriate”* be substituted by *“unsuitable”* but otherwise did not recommend any changes to this policy.

1288. For the reasons set out above in relation to Policy 6.3.1.3, we do not support a policy cross referencing the assessment criteria. The reference point should be the objectives and policies of the PDP. We also do not support a policy that refers simply to avoidance, remediation or mitigation of adverse effects. For the reasons set out at the outset of this report, such a policy would provide no guidance, and would not be satisfactory.

1289. We accept that regionally significant infrastructure raises particular issues. We recommend that those issues be dealt with in new and separate policies, which will be discussed shortly.

⁷⁰³ Submission 806

⁷⁰⁴ Submissions 355, 761: Supported in FS1097; Opposed in FS1282 and FS1320

⁷⁰⁵ Submissions 437, 456, 513, 515, 522, 531, 532, 534, 535, 537, 608: Supported in FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1034, FS1120 and FS1160

⁷⁰⁶ Submissions 635, 805: Opposed in FS1282

1290. We accept Mr Barr’s suggested minor drafting change.
1291. In summary, we recommend that Policy 6.3.1.4 be renumbered 6.3.19 and reworded as follows:
- “Recognise that subdivision and development is unsuitable in many locations in these landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.”*
1292. Policy 6.3.1.6, as notified, read:
- “Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change”.*
1293. A number of submissions on this policy sought amendments so it would refer to *“rural living”* rather than *“rural lifestyle living”*, deleting specific reference to the Rural Residential and Rural Lifestyle Zones, and adding reference to *“carefully considered applications for subdivision and development for rural living”*, or similar descriptions.
1294. Millbrook Country Club⁷⁰⁷ sought to broaden the focus of the policy to include resort activities and development.
1295. Queenstown Park Ltd⁷⁰⁸ sought that reference be added to the positive effects derived from rural living.
1296. Mr Barr initially recommended some recognition for resort zone plan changes in his Section 42A Report, but when we discussed the matter with him, accepted that given there is no *“Resort Zone”* as such, the matter needed further consideration⁷⁰⁹.
1297. In his reply evidence, Mr Barr discussed the issue more generally. He characterised some of the planning evidence for submitters seeking to rely on the extent to which the landscape character of the Wakatipu Basin has been and will continue to be affected by consented development as reading like *‘the horse has bolted’* and that this position should be accepted. Mr Barr did not agree. He relied on Dr Read’s evidence where she had stated that the ODP had not succeeded in appropriately managing adverse cumulative effects. We asked Dr Read that specific question: whether the horse had bolted? She did not think so, or that management of the cumulative effects of rural living in the Wakatipu Basin was a lost cause, and neither do we⁷¹⁰. However, it is clearly an issue that requires careful management.
1298. Mr Barr recommended in his reply evidence that this policy be reframed as follows:
- “Encourage rural lifestyle and rural residential zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change.”*

⁷⁰⁷ Submission 696

⁷⁰⁸ Submission 806

⁷⁰⁹ Mr Chris Ferguson suggested in his evidence that the reference be to Special Zones for this reason

⁷¹⁰ That conclusion also accords with Mr Baxter’s evidence that while the Wakatipu Basin is not composed of working farms any more, lots of properties in the Basin still look like farms, from which we infer they still have an identifiably *‘rural’* character.

1299. We largely accept the thinking underpinning Mr Barr’s recommendation. It follows that we do not accept the many submissions insofar as they sought that reference be made to rural living being enabled through resource consent applications (the epitome of ad-hoc development). Indeed, this policy is focussing on plan changes as an appropriate planning mechanism, in preference to development by a resource consent application. If anything, we think that needs to be made clearer.
1300. We do not think that specific reference needs to be made to plan reviews as an alternative planning mechanism to plan changes (as suggested by Mr Ferguson). On any plan review including management of residential development in rural areas, all of these issues will be considered afresh.
1301. Ideally also, this policy would refer to the new zone (the Wakatipu Basin Lifestyle Precinct) proposed in the Stage 2 Variations, but we cannot presume that zoning will be confirmed after the hearing of submissions on the variations, and we lack jurisdiction to do so in any event.
1302. In summary, therefore, we recommend that Policy 6.3.1.6 be renumbered 6.3.20 and reworded as follows:
- “Encourage Rural Lifestyle and Rural Residential Zone Plan Changes as the planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change.”*
1303. Policy 6.3.2.3 as notified read:
- “Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.”*
1304. Submissions on this policy included:
- Seeking deletion of the final sentence referring to sprawl along roads⁷¹¹;
 - Seeking to insert reference to inappropriate development in the Rural Zone⁷¹²;
 - Seeking to delete this policy and the one following it, and substitute a policy that would ensure incremental subdivision and development does not degrade landscape character or visual amenity values including as a result of ‘mitigation’ of adverse effects⁷¹³.
1305. When Mr Barr appeared, we asked him what the words “seeking support” were intended to refer to, and he explained that this was intended to be a reference to the “existing environment” principle recognised in the case law⁷¹⁴. In his reply evidence, Mr Barr sought to make this clearer. He also recommended acceptance of a submission seeking deletion of the last sentence of the Policy, given that it duplicates matters covered in Policy 6.3.2.4.

⁷¹¹ Submission 456

⁷¹² Submission 600: Supported in FS1209; Opposed in FS1034

⁷¹³ Submission 761: Opposed in FS1015

⁷¹⁴ Acknowledging the observations of the High Court in *Royal Forest and Bird Protection Society v Buller District Council* [2013] NZHC1324 at [13] and following regarding the inappropriateness of it as a description of the relevant legal principles.

1306. We largely accept Mr Barr’s recommendation. The exception is that we think that the reference to “*residential subdivision or development*” would benefit from clarification. The term ‘rural living’ was used extensively in the planning evidence we heard and we suggest that as an appropriate descriptor. We do not accept the suggestion in Submission 761 – for the reasons set out in our discussion of the appropriate strategic policy in Chapter 3 governing rural character landscapes, a general policy of ‘*no degradation*’ would in our view go too far.

1307. However, we think there is room for a more restrictive approach to ‘*mitigation*’ of proposed developments, which is also suggested in this submission, but which more properly relates to Policy 6.3.2.5. This is addressed shortly.

1308. In summary, we recommend Policy 6.3.2.3 be renumbered 6.3.21 and amended to read:

“Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.”

1309. Policy 6.3.2.4 as notified read:

“Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.”

1310. Apart from Submission 761 already noted, submissions included a suggestion that reference to infill be deleted⁷¹⁵.

1311. Mr Barr recommended that that submission be accepted. We agree. To the extent the policy seeks to manage the adverse effects of infill development, this is caught by Policy 6.3.2.3 (now 6.3.21) and as Mr Jeff Brown noted in his evidence, the assessment should be the same for ‘*infill*’ as for ‘*outfill*’. Accordingly, we recommend that the policy be renumbered 6.3.22 and worded:

“Have particular regard to the potential adverse effects on landscape, character and visual amenity values where further subdivision and development would constitute sprawl along roads.”

1312. Policy 6.3.2.5 as notified read:

“Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of a proposed development such as a screening planting, mounding and earthworks.”

1313. Submissions included:

- a. Seeking deletion of the policy⁷¹⁶;
- a. Seeking to delete or amend reference to “*openness*”⁷¹⁷;
- b. Amending the policy to require a significant effect or to focus on significant values⁷¹⁸;

⁷¹⁵ Submission 456

⁷¹⁶ Submission 378: Opposed in FS1049 and FS1282

⁷¹⁷ Submissions 437, 456: Supported in FS1097; Opposed in FS1160

⁷¹⁸ Submissions 598 and 621: Supported in FS1287; Opposed in FS1282

- c. Seeking that specific reference to mitigation be deleted⁷¹⁹
- d. Softening the policy to be less directive⁷²⁰.

1314. Mr Barr did not recommend any changes to the policy as notified.

1315. As noted above in the discussion of the relief sought in Submission 761, we take the view that ‘mitigation’ of adverse effects from subdivision and development should not be permitted itself to degrade important values. Clearly landscape quality and character qualify.

1316. The submissions challenging reference to openness in this context, however, make a reasonable point. The policy overlaps with others referring to openness and this duplication is undesirable. The submission of Hogans Gully Farming Ltd⁷²¹ suggested that “important views” be substituted. We regard this suggestion as having merit, since it captures an additional consideration.

1317. We also find the term “screening planting” difficult to understand. We think the intention is to refer to “screen planting”.

1318. In summary, therefore, we recommend that this policy be renumbered 6.3.23 and read:

“Ensure incremental changes from subdivision and development do not degrade the landscape quality or character, or important views, as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.”

1319. As above, we recognise that provision also needs to be made for regionally significant infrastructure in the management of activities in RCLs. Many of the considerations discussed above in relation to recognising the role of infrastructure in relation to the ONL policies also apply although clearly, given the lesser statutory protection for RCLs, a more enabling policy is appropriate in this context.

1320. Having said that, we still regard it as appropriate that infrastructure providers should seek to avoid significant adverse effects on the character of RCLs.

1321. In summary, we recommend that two new policies be inserted in this part of the PDP numbered 6.3.24 and 25, reading:

“Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.”

1322. Policy 6.3.5.2 as notified read:

⁷¹⁹ Submission 621: Opposed in FS1282

⁷²⁰ Submission 696

⁷²¹ Submission 456

“Avoid adverse effects from subdivision and development that are:

- *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
- *Visible from public roads.”*

1323. Again, a large number of submissions were made on this policy. Most of those submissions sought that the policy provide for avoiding, remedying or mitigating adverse effects (paralleling the ODP in this regard). Some submissions⁷²² sought deletion of visibility from public roads as a test.

1324. One submitter⁷²³ sought greater clarity that this policy relates to subdivision and development on RCLs. Another submitter⁷²⁴ sought reference be inserted to *“inappropriate subdivision, use and development”*.

1325. Lastly, Transpower New Zealand Limited⁷²⁵ sought an explicit exclusion for regionally significant infrastructure.

1326. Having initially (in his Section 42A Report) recommended against any change to the notified policy, Mr Barr recommended in his reply evidence that this policy be qualified in two ways – first to provide for avoiding, remedying or mitigating adverse effects, and secondly to limit the policy to focussing on visibility from public *‘formed’* roads.

1327. We accept the point underlying the many submissions on this policy that avoiding adverse effects (given the clarification the Supreme Court has provided as to the meaning of *“avoid”* in *King Salmon*) poses too high a test when the precondition is whether a subdivision and development is visible from any public road. On the other hand, if the precondition is that the subdivision and development is *“highly visible”* from public places, we take the view that an avoidance approach is appropriate, because of the greater level of effect.

1328. The first bullet in Policy 6.3.5.2 also needs to be read in the light of the definition of trails, given that trails are excluded from the list of relevant public places.

1329. The current definition of trail reads:

“Means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under The Crown Pastoral Land Act) legally created by way of grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.”

1330. There are no submissions on this definition. However, we consider clarification is desirable as to the exclusions noted (which are places, the visibility from which will be relevant to the application of notified Policy 6.3.4.2). Among other things, we recommend that the status of public access routes over reserves be clarified. Such access routes will not be the subject of a grant of easement and so this is not a substantive change.

⁷²² E.g. Submissions 513, 515, 531, 537, 608: Supported in FS1097, FS1256, FS1286 and FS1292; Opposed in FS1034

⁷²³ Submission 761: Opposed in FS1015

⁷²⁴ Submission 806

⁷²⁵ Submission 805

1331. In summary, we recommend to the Stream 10 Hearing Panel that the definition of trail be amended to read:

“Means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. Roads, including road reserves;*
- b. Public access easements created by the process of a tenure review under the Crown Pastoral Land Act; and*
- c. Public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.”*

1332. Returning to Policy 6.3.4.2, Mr Goldsmith⁷²⁶ sought to justify constraining the policy to refer to public formed roads on the basis that the policy should not apply to roads that were not actually used. He accepted, however, that paper roads were used in the District as cycle routes and agreed that visibility from such routes was something the policy might focus on.

1333. For the same reason, we do not accept Mr Barr’s recommendation that the policy refer to public formed roads.

1334. Rather than insert an ‘avoid, remedy or mitigate’ type policy or some variation thereof (Mr Jeff Brown suggested “avoid or appropriately mitigate”), we prefer to provide greater direction by limiting the scope of the policy in other ways.

1335. Given that public roads are public places (and as such, would be used when testing whether a proposal would be highly visible), we recommend greater focus on narrowing the description of roads that are relevant for this aspect of the policy. To us, the key roads where visibility is important are those where the land adjoining the road forms the foreground for ONLs or ONFs. Effects on visual amenity from such roads are important because they diminish the visual amenity of the ONL or ONF.

1336. The second way in which we suggest the restrictiveness of the policy might be lessened is to make it clear that what is in issue are adverse effects on visual amenity, rather than any other adverse effects subdivision and development might have.

1337. Lastly, we recommend that the focus of the policy should be on subdivision, use and development as suggested in Submission 806. For the reasons set out above, we do not consider adding the word “inappropriate” would materially change the meaning of the policy.

1338. In summary, we recommend that Policy 6.3.5.2 be renumbered 6.3.26 and amended to read:

“Avoid adverse effects on visual amenity from subdivision, use and development that:

- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.”*

1339. Policies 6.3.5.3 and 6.3.5.6 both deal with the concept of openness. As notified, they read:

⁷²⁶ Then appearing for GW Stalker Family Trust (Submission 535) and others.

“6.3.5.3 Avoiding planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape, quality or character;

6.3.5.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.”

1340. Submissions on Policy 6.3.5.3 included:
- Seeking amendment to refer to significant adverse effects on existing open landscape character⁷²⁷;
 - Seeking to substitute reference to views rather than openness, combined with emphasising that it is the appreciation of landscape quality or character which is important⁷²⁸;
 - Seeking to reframe the policy to be enabling of planting and screening where it contributes to landscape quality or character⁷²⁹.
1341. Many submitters sought deletion of the policy in the alternative. One submitter⁷³⁰ sought that reference be made to inappropriate subdivision use and development.
1342. A similar range of submissions were made on Policy 6.3.5.6.
1343. A number of parties appearing before us on these policies emphasised to us the finding of the Environment Court in its 1999 ODP decision that protection of the open character of landscape should be limited to ONLs and ONFs and that non-outstanding landscapes might be improved both aesthetically and ecologically by appropriate planting⁷³¹.
1344. We note that the Court also mentioned views from scenic roads as an exception which might justify constraints on planting, so clearly in the Court’s mind, it was not a legal principle that admitted of no exceptions.
1345. More generally, we think that open landscape character is not just an issue of views as many submitters suggest, although clearly views are important to visual amenity, and that a differentiation needs to be made between the floor of the Wakatipu Basin, on the one hand, and the Upper Clutha Basin on the other. It appears to us that the Environment Court’s comments were made in the context of evidence (and argument) regarding the Wakatipu Basin. In that context, and on the evidence we heard, the focus should be on openness where it is important to landscape character (i.e. applying notified policy 6.3.5.3). We note that the Stage 2 Variations provide detailed guidance of the particular landscape values of different parts of the Wakatipu Basin.
1346. Dr Read identified the different landscape character of the Wakatipu Basin compared to the Upper Clutha Basin in her evidence, with the former being marked by much more intensive use and development, as well as being more enclosed, whereas the Upper Clutha Basin is marked by more extensive farming activities and is much bigger. She noted though that on

⁷²⁷ Submission 356: Supported in FS1097

⁷²⁸ Submissions 437, 456, 513, 515, 522, 531, 537, 608: Supported in FS1097, FS1256, FS1286 and FS1292; Opposed in FS1034

⁷²⁹ Submission 806

⁷³⁰ Submission 513

⁷³¹ C180/99 at [154]

the Hawea Flat, existing shelter belts mean that while more open, the Upper Clutha Basin is not as open as one might think.

1347. In summary, we recommend that Policies 6.3.5.3 and 6.3.5.6 be renumbered 6.3.27 and 6.3.28 and amended to read as follows:

“In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries, that would degrade openness where such openness is an important part of its landscape quality or character.”

In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.”

1348. Policy 6.3.5.5 as notified read:

“Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption of the landform and rural character.”

1349. Submissions on this policy sought variously, qualification to reflect what is operationally and technical feasible⁷³² and to delete reference to visibility substituting reference to minimising or mitigating disruption to natural landforms and rural character⁷³³.

1350. Mr Barr recommended acceptance of the substance of the latter submission. We agree. Visibility is dealt with by other policies and should not be duplicated in this context. However, saying both minimise or mitigate would make the policy unclear. Consistent with the existing wording, minimisation is the correct focus.

1351. We do not consider that qualification is necessary to refer to operational and technical feasibility given that the policy only seeks to encourage the desired outcomes.

1352. We do accept, however, that the focus should be on ‘natural’ landforms, as opposed to any landforms that might have been created artificially.

1353. In summary, we recommend that Policy 6.3.5.5 be renumbered 6.3.29 and amended to read:

“Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to the natural landform and to rural character.”

1354. Policy 6.3.4.1 as notified read:

“Avoid subdivision and development that would degrade the important qualities of the landscape, character and amenity, particularly where there is little or no capacity to absorb change. “

1355. While Mr Barr recommended that this policy be retained as is, the amendments we have recommended to notified Policy 6.3.1.3 (in relation to ONLs and ONFs) means that Policy

⁷³² Submission 635

⁷³³ Submission 836: Supported in FS1097

- 6.3.4.1 no longer serves a useful purpose. Accordingly, it should be deleted as a consequential change.
1356. The same reasoning prompts us to recommend deletion of Policy 6.3.1.11 which as notified, read:
- “Recognise the importance of protecting the landscape character and visual amenity values particularly as viewed from public places.”*
1357. This policy has effectively been overtaken by the package of policies we have recommended and should be deleted as a consequential change.
1358. Policy 6.3.1.11 was almost identical to notified Policy 6.3.4.3 which read:
- “Have regard to adverse effects on landscape character and visual amenity values as viewed from public places, with emphasis on views from formed roads.”*
1359. It too should be deleted as a consequential change.
1360. Policy 6.3.5.1 as notified read:
- “Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.”*
1361. While Mr Barr recommended that this policy remain as is, it overlaps (and conflicts) with Policy 3.3.32 that we have recommended.
1362. Accordingly, we recommend that this policy be deleted as a consequential change.
1363. Lastly, under this heading, we should discuss Policies 6.3.2.1 and 6.3.2.2, which relate to residential development in the rural zones. As notified, these policies read respectively:
- “Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District’s landscape quality, character and amenity values are to be sustained.*
- Allow residential subdivision only in locations where the District’s landscape character and visual amenity would not be degraded.”*
1364. While Mr Barr recommended that these policies be retained, we have a number of issues with them. As discussed in the context of Objective 3.2.5.2, a Plan provision referring to finite capacity for development is of little use without a statement as to where the line is drawn, and where existing development is in relation to the line. More materially, the two policies purport to govern development across the rural zones and therefore encompasses ONLs, ONFs and Rural Character Landscapes. We have endeavoured to emphasise the different tests that need to be applied, depending on whether a landscape is an ONL (or ONF) or not.
1365. Last but not least, these policies overlap (and in some respects conflict) with other policies we have recommended in Chapter 3 (specifically 3.3.21-23, 3.3.30 and 3.3.32) and in Chapter 6 (specifically 6.3.12). Therefore, we recommend they be deleted.

1366. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies of Chapter 3 and the balance of this chapter, these policies are the most appropriate way, at a strategic level, to achieve the objectives in Chapter 3 relevant to use, development and protection of landscapes that are not ONLs or ONFs – principally Objective 3.2.5.2 but also including Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.1.9, 3.2.3.1, 3.2.4.1 and 3.2.7.1.

8.8. Policies – Managing Activities on Lakes and Rivers

1367. Policy 6.3.6.1 as notified read:

“Control the location, intensity and scale of buildings, jetties, moorings and utility structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.”

1368. Submissions on this policy sought variously:

- a. Qualification of amenity values to refer to *“visual amenity values”*⁷³⁴;
- a. Deletion of the latter part of the policy identifying the nature of the controls intended⁷³⁵;
- b. Qualifying the reference to enhancement so that it occurs *“where appropriate”*⁷³⁶;
- c. Qualifying the policy so it refers to management rather than controlling, identifies the importance of lakes and rivers as a resource and refers to avoiding, remedying or mitigating effects⁷³⁷.

1369. Mr Barr recommended that the word *“infrastructure”* be substituted for utility structures as the only suggested change to this policy. This is more consistent with the terminology of the PDP and we do not regard it as a substantive change.

1370. Against the background of recommended Objective 3.2.4.3, which seeks that the natural character of the beds and margins of lakes, rivers and wetlands is preserved or enhanced, it is appropriate that buildings on the surface and margins of water bodies are controlled so as to assist achievement of the objective. For the same reason, a generalised *“avoid, remedy or mitigate”* policy is not adequate.

1371. We also do not consider that adding the words *“where appropriate”* will provide any additional guidance to the application of the policy.

1372. Further, we do not agree that reference to amenity values should be qualified and restricted to just visual amenity. To make that point clear requires a minor drafting change.

1373. We also recommend that the word *“the”* before landscape be deleted to avoid any ambiguity as to which values are in issue. Again, we consider that this is a minor non-substantive change.

1374. In summary, we recommend that these, together with the drafting change suggested by Mr Barr be the only substantive amendments, with the result that the policy, now renumbered 6.3.30, would read as follows:

⁷³⁴ Submission 110

⁷³⁵ Submission 621

⁷³⁶ Submission 635

⁷³⁷ Submission 766 and 806: Supported in FS1341

“Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values.”

1375. Policy 6.3.6.2 as notified read:

“Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District’s distinctive landscapes are maintained and enhanced.”

1376. Submissions on this policy included:

- a. A request to refer to the “*modified*” character of the Arm and to delete reference to how the Arm should be managed⁷³⁸.
- b. A request to provide greater guidance as to how this policy will be applied to applications for new structures and activities and to support the importance of providing a water based public transport system⁷³⁹

1377. Mr Barr did not recommend any change to this policy.

1378. We consider that, as with Policy 6.3.6.1, the relief suggested in Submission 621 would not be consistent with Objective 3.2.4.5. Having said that, to the extent that the existing character of the Frankton Arm is modified, the policy already provides for that. To the extent that other submissions seek greater guidance on how this policy might be applied, it is supplemented by more detailed provisions in the Rural Zone Chapter.

1379. Accordingly, we do not recommend any changes to this policy other than to renumber it 6.3.31.

1380. Policy 6.3.6.3 as notified read:

“Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District’s distinct landscapes.”

1381. Submissions on this policy sought to delete the proviso⁷⁴⁰ and to seek additional guidance along the same lines as sought for the previous policy⁷⁴¹

1382. Mr Barr did not recommend any change.

1383. With one minor exception, we agree. A policy that recognises and provides for something with no indication of the extent of that provision is not satisfactory, as it provides no guidance to the implementation of the PDP. However, as with the previous policy, more detailed guidance is provided in the relevant zone chapter⁷⁴².

⁷³⁸ Submission 621

⁷³⁹ Submissions 766 and 806: Supported in FS1341

⁷⁴⁰ Submission 621

⁷⁴¹ Submissions 766, 608 and 806: Supported in FS1341

⁷⁴² Chapter 12: Queenstown Town Centre Zone

1384. The exception noted above relates to the reference to “*distinct*” landscapes in the policy. This appears to be a typographical error. The term should be “*distinctive*”. Correcting that error, the policy we recommend, renumbered 6.3.31, is:

“Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District’s distinctive landscapes.”

1385. It is notable that the three policies we have just reviewed under the heading Lakes and Rivers all relate to structures and other facilities on the surface and margins of the District’s water bodies. There is no policy specifically relating to the use of the surface of the District’s water bodies. That omission was the subject of comment in the evidence. We have already discussed the submission of Kawarau Jet Services Limited⁷⁴³ seeking a new policy worded:

“Provide for a range of appropriate Recreational and Commercial Recreational activities in the rural areas and on the lakes and rivers of the District.”

1386. In the part of this report discussing Chapter 3⁷⁴⁴, we said that we thought it appropriate that commercial recreation activities in rural areas be addressed there and that the specific issue of commercial recreation activities on the District’s waterways be addressed in Chapter 6. We also note the submission of Real Journeys Limited⁷⁴⁵ seeking, as part of greater recognition for tourism activities at a policy level, protection for “*existing transport routes and access to key visitor attractions from incompatible uses and development of land and water*”.

1387. Mr Ben Farrell provided evidence on this submission. Mr Farrell supported the concept proposed in the Real Journeys’ submission that there be a separate chapter for water, as he described it, “*to more appropriately recognise and provide for the significance of fresh water*”.

1388. When Mr Farrell appeared at the hearing in person, he clarified that what he was suggesting was greater emphasis on water issues and that this might be achieved either by a separate chapter, or at least a separate suite of provisions. He summarised his position as being one where he was not seeking substantive change in the provisions, but rather to focus attention on it as an issue. He noted specifically that the landscape provisions seemed silent on water.

1389. We concur that there appears insufficient emphasis on water issues in Chapter 6. We have endeavoured to address that by appropriate headings, but we think that the Kawarau Jet submission points the way to a need to address both recreational and commercial use of the District’s waterways in policy terms.

1390. Having said that, we think that there are flaws with the relief Kawarau Jet has sought. As the Real Journeys’ submission indicates, one of the issues that has to be confronted in the implementation of the PDP is competition for access to the District’s waterways. A policy providing for a range of activities on lakes and rivers could be read as implying that every waterway needs to accommodate a range of activities, whereas the reality is that in many situations, access is constrained because the waterways in question are not of sufficient breadth or depth to accommodate all potential users.

⁷⁴³ Submission 307

⁷⁴⁴ Refer Section 3.14 above

⁷⁴⁵ Submission 621

1391. The Kawarau Jet submission does not provide a sufficient jurisdictional basis for us to recommend direction on how these issues should be resolved. The Real Journeys’ submission gets closer to the point, but only addresses some of the issues. One point that can be made is that any general policy is not intended to cut across the more detailed policies already governing structures. Other than that however, while we would prefer a more directive policy, we have concluded that the best that can be done in the context of Chapter 6 is a policy that provides a framework for more detailed provisions in Chapters 12 and 21.
1392. We also do not consider that commercial use should be limited to commercial recreation – that would exclude water taxis and ferry services, and we do not consider there is a case for doing that.
1393. Accordingly, we recommend a new policy numbered 6.3.33, worded as follows:
- “Provide for appropriate commercial, and recreational activities on the surface of water bodies that do not involve construction of new structures.”*
1394. Contact Energy⁷⁴⁶ sought a new policy, seeking to recognise changes to landscape values on a seasonal basis resulting from electricity generation facilities. The submitter’s focus is obviously on changes to levels and flows in Lake Hawea and the Hawea River resulting from operation of the Hawea Control Structure. Those activities are regional council matters and we do not consider the proposed policy is required in this context.
1395. In summary, within the jurisdictional limits we are working within, we consider that the policies we have recommended in relation to lakes and rivers are the most appropriate way, at a strategic level, to achieve the objectives of Chapter 3 applying to waterways – specifically Objectives 3.2.1.1, 3.2.1.7, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2.
1396. We have also stood back and reflected on the policies and other provisions of Chapter 6 as a whole. For the reasons set out above, we consider that individually and collectively the policies are the provisions recommended represent the most appropriate way to achieve the objectives of Chapter 3 relevant to landscape and rural character.

9. PART D RECOMMENDATIONS

1397. As with Chapters 3 and 4, Appendix 1 contains our recommended Chapter 6.
1398. In addition, we recommend⁷⁴⁷ that the Stream 10 Hearing Panel consider addition of a new definition of ‘subdivision and development’ be inserted in Chapter 2, worded as follows:
- “Subdivision and Development - includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures”.*
1399. We also recommend⁷⁴⁸ the Stream 10 Hearing Panel consider amendment of the existing definition of ‘trail’ as follows:

⁷⁴⁶ Submission 580: Opposed in FS1040

⁷⁴⁷ Refer the discussion of this point at Section 8.4 above.

⁷⁴⁸ Refer in this instance to Section 8.7above.

Trail – means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. roads, including road reserves;
- d. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and
- e. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities

PART E: OVERALL RECOMMENDATIONS

1400. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 3 be adopted in the form set out in Appendix 1;
 - b. Chapter 4 be adopted in the form set out in Appendix 2;
 - c. Chapter 6 be adopted in the form set out in Appendix 3; and
 - d. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 4.
1401. We also recommend to the Stream 10 Hearing Panel that the definitions discussed above of the terms:
- a. nature conservation values;
 - b. regionally significant infrastructure;
 - c. urban development;
 - d. resort;
 - e. subdivision and development; and
 - f. trail

be included in Chapter 2 for the reasons set out in our report.

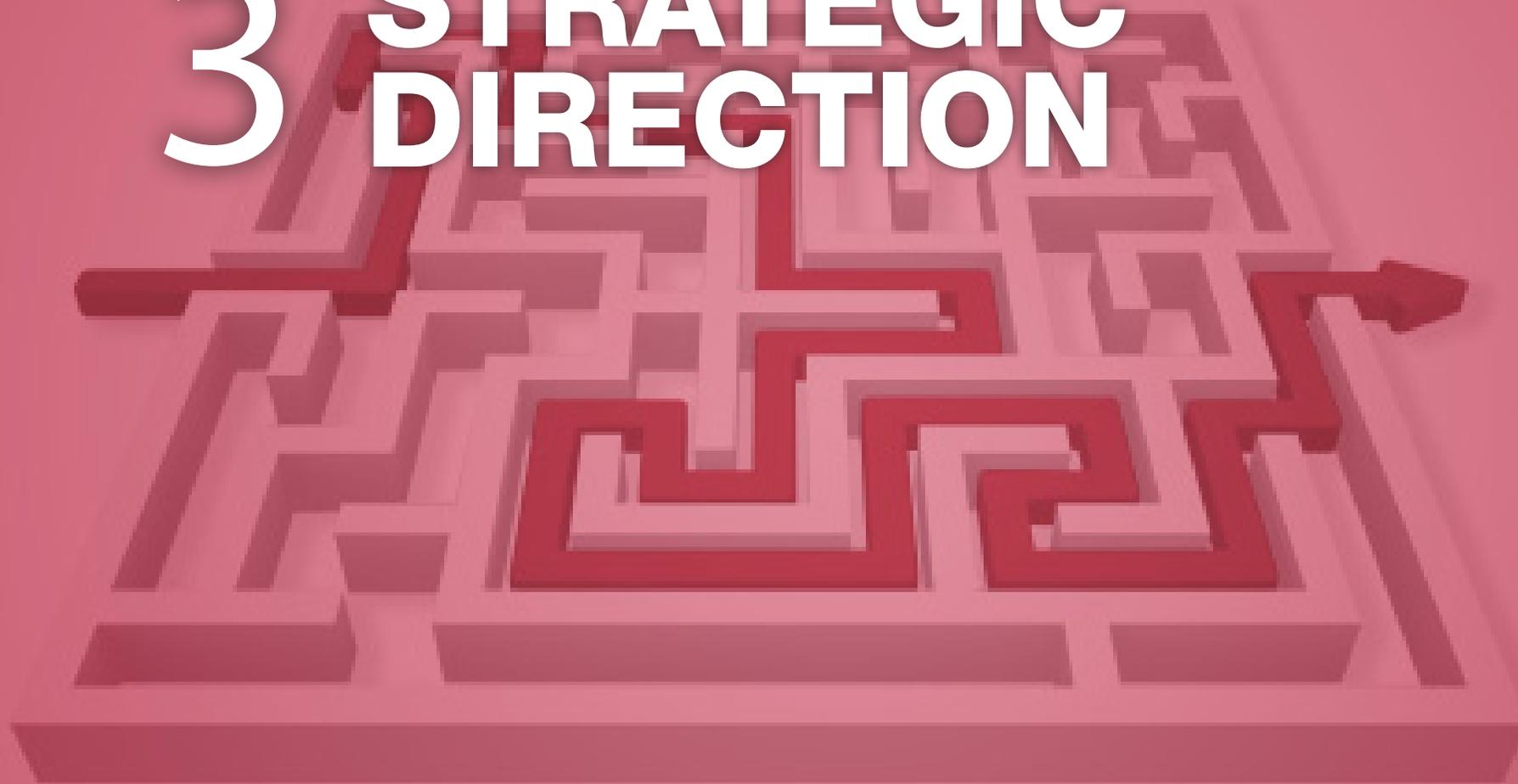
For the Hearing Panel



Denis Nugent, Chair
Date: 16 March 2018

Appendix 1: Chapter 3 as Recommended

3 STRATEGIC DIRECTION



3.1

Purpose

This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities:

- a. dramatic alpine landscapes free of inappropriate development;
- b. clean air and pristine water;
- c. vibrant and compact town centres;
- d. compact and connected settlements that encourage public transport, biking and walking;
- e. diverse, resilient, inclusive and connected communities;
- f. a district providing a variety of lifestyle choices;
- g. an innovative and diversifying economy based around a strong visitor industry;
- h. a unique and distinctive heritage;
- i. distinctive Ngāi Tahu values, rights and interests.

The following issues need to be addressed to enable the retention of these special qualities:

- a. Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.
- b. Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.
- c. Issue 3: High growth rates can challenge the qualities that people value in their communities.
- d. Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.
- e. Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.
- f. Issue 6: Tangata Whenua status and values require recognition in the District Plan.

This chapter sets out the District Plan's strategic Objectives and Policies addressing these issues. High level objectives are elaborated on by more detailed objectives. Where these more detailed objectives relate to more than one higher level objective, this is noted in brackets after the objective. Because many of the policies in Chapter 3 implement more than one objective, they are grouped, and the relationship between individual policies and the relevant strategic objective(s) identified in brackets following each policy. The objectives and policies in this chapter are further elaborated on in Chapters 4 – 6. The principal role of Chapters 3 - 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. In addition, they also provide guidance on what those more detailed provisions are seeking to achieve and are accordingly relevant to decisions made in the implementation of the Plan.

3.2.1 The development of a prosperous, resilient and equitable economy in the District. (addresses Issue 1)

- 3.2.1.1** The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.
- 3.2.1.2** The Queenstown and Wanaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.
- 3.2.1.3** The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.
- 3.2.1.4** The key function of the commercial core of Three Parks is focused on large format retail development.
- 3.2.1.5** Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres², Frankton and Three Parks, are sustained.
- 3.2.1.6** Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
- 3.2.1.7** Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4 and 3.2.5 following)
- 3.2.1.8** Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)
- 3.2.1.9** Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)

¹ Defined by the extent of the Town Centre Zone in each case

² Defined by the extent of the Town Centre Zone in each case

3.2.2 Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)

3.2.2.1 Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;
- b. build on historical urban settlement patterns;
- c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
- d. minimise the natural hazard risk, taking into account the predicted effects of climate change;
- e. protect the District's rural landscapes from sporadic and sprawling development;
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
- g. contain a high quality network of open spaces and community facilities; and.
- h. be integrated with existing, and planned future, infrastructure.

(also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)

3.2.3 A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)

3.2.3.1 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.

3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)

3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.

3.2.4.2 The spread of wilding exotic vegetation is avoided.

3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

3.2.4.5 Public access to the natural environment is maintained or enhanced.

3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)

- 3.2.5.1** The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.
- 3.2.5.2** The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.

3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)

3.2.7 The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6).

- 3.2.7.1** Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wahi tupuna, are protected.
- 3.2.7.2** The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.

3.3 Strategic Policies

Visitor Industry

- 3.3.1** Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)

Town Centres and other Commercial and Industrial Areas

- 3.3.2** Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths. (relevant to S.O. 3.2.1.2)

- 3.3.3** Avoid commercial zoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity. (relevant to S.O. 3.2.1.2)
- 3.3.4** Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes. (relevant to S.O. 3.2.1.3)
- 3.3.5** Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District. (relevant to S.O. 3.2.1.3)
- 3.3.6** Avoid additional commercial zoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton. (relevant to S.O. 3.2.1.3)
- 3.3.7** Provide a planning framework for the commercial core of Three Parks that enables large format retail development. (relevant to S.O. 3.2.1.4)
- 3.3.8** Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5)
- 3.3.9** Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose. (relevant to S.O. 3.2.1.5)
- 3.3.10** Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil. (relevant to S.O. 3.2.1.5)
- 3.3.11** Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (relevant to S.O. 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9)

Climate Change

- 3.3.12** Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.

Urban Development

- 3.3.13** Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township. (relevant to S.O. 3.2.2.1)
- 3.3.14** Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)
- 3.3.15** Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)

Heritage

- 3.3.16** Identify heritage items and ensure they are protected from inappropriate development. (relevant to S.O. 3.2.2.1, and 3.2.3.1)

Natural Environment

- 3.3.17** Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, as Significant Natural Areas on the District Plan maps (SNAs). (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.4.3 and 3.2.4.4)
- 3.3.18** Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)
- 3.3.19** Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

Rural Activities

- 3.3.20** Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)
- 3.3.21** Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)
- 3.3.22** Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)
- 3.3.23** Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas. (relevant to S.O. 3.2.1.8 and 3.2.5.2)
- 3.3.24** Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. (relevant to S.O. 3.2.1.8, 3.2.5.1 and 3.2.5.2)
- 3.3.25** Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)
- 3.3.26** That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)
- 3.3.27** Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting. (relevant to S.O.3.2.4.2)
- 3.3.28** Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development. (relevant to S.O.3.2.4.6)

Landscapes

- 3.3.29** Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps. (relevant to S.O.3.2.5.1)
- 3.3.30** Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (relevant to S.O.3.2.5.1)
- 3.3.31** Identify the District's Rural Character Landscapes on the District Plan maps. (relevant to S.O.3.2.5.2)
- 3.3.32** Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)

Cultural Environment

- 3.3.33** Avoid significant adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)
- 3.3.34** Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)
- 3.3.35** Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū. (relevant to S.O.3.2.7.1 and 3.2.7.2)

Appendix 2: Chapter 4 as Recommended

4 URBAN DEVELOPMENT

4.1

Purpose

The purpose of this Chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for the District’s major urban settlements and smaller urban townships. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters.

The District experiences considerable growth pressures. Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors. Uncontrolled urban development can result in the fragmentation of rural land; and poses risks of urban sprawl, disconnected urban settlements and a poorly coordinated infrastructure network. The roading network of the District is under some pressure and more low density residential development located remote from employment and service centres has the potential to exacerbate such problems.

The objectives and policies for Urban Development provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values. The approach seeks to achieve integration between land use, transportation, services, open space networks, community facilities and education; and increases the viability and vibrancy of urban areas.

Urban Growth Boundaries are established for the key urban areas of Queenstown-Frankton, Wanaka, Arrowtown and Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.

4.2

Objectives and Policies

4.2.1 **Objective - Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. (from Policies 3.3.12 and 3.3.13)**

- | | |
|----------|--|
| Policies | <p>4.2.1.1 Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.</p> <p>4.2.1.2 Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements.</p> <p>4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.</p> |
|----------|--|

- 4.2.1.4** Ensure Urban Growth Boundaries encompass a sufficient area consistent with:
- the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;
 - ensuring the ongoing availability of a competitive land supply for urban purposes;
 - the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
 - the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
 - a compact and efficient urban form;
 - avoiding sporadic urban development in rural areas;
 - minimising the loss of the productive potential and soil resource of rural land.
- 4.2.1.5** When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes
- 4.2.1.6** Review and amend Urban Growth Boundaries over time, as required to address changing community needs.
- 4.2.1.7** Contain urban development of existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.

4.2.2A Objective - A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

4.2.2B Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)

Policies **4.2.2.1** Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.

- 4.2.2.2** Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:
- a. its topography;
 - b. its ecological, heritage, cultural or landscape significance if any;
 - c. any risk of natural hazards, taking into account the effects of climate change;
 - d. connectivity and integration with existing urban development;
 - e. convenient linkages with public transport;
 - f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
 - g. the need to make provision for the location and efficient operation of regionally significant infrastructure;
 - h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
 - i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
 - j. the need to locate emergency services at strategic locations.
- 4.2.2.3** Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.
- 4.2.2.4** Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.
- 4.2.2.5** Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.
- 4.2.2.6** Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.
- 4.2.2.7** Explore and encourage innovative approaches to design to assist provision of quality affordable housing.
- 4.2.2.8** In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.
- 4.2.2.9** Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".
- 4.2.2.10** Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.

- 4.2.2.11** Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development.
 - 4.2.2.12** Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.
-

Wakatipu Basin Specific Policies

- 4.2.2.13** Define the Urban Growth Boundary for Arrowtown, as shown on the District Plan Maps that preserves the existing urban character of Arrowtown and avoids urban sprawl into the adjacent rural areas.
- 4.2.2.14** Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps that:
 - a. are based on existing urbanised areas;
 - b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases over the planning period;
 - c. enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development;
 - d. avoid Outstanding Natural Features and Outstanding Natural Landscapes;
 - e. avoid sprawling and sporadic urban development across the rural areas of the Wakatipu Basin.
- 4.2.2.15** Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.
- 4.2.2.16** Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.
- 4.2.2.17** Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.
- 4.2.2.18** Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.
- 4.2.2.19** Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.
- 4.2.2.20** Ensure that development within the Arrowtown Urban Growth Boundary provides:
 - a. an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;

- b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown's Urban Growth Boundary;
- c. a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the landscape, where the development abuts the urban boundary for Arrowtown;
- d. for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource;
- e. recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land.

4.2.2.21 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

Upper Clutha Basin Specific Policies

4.2.2.22 Define the Urban Growth Boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps that:

- a. are based on existing urbanised areas;
- b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;
- c. have community support as expressed through strategic community planning processes;
- d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mt. Alpha as natural boundaries to the growth of Wanaka; and
- e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.

4.2.2.23 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

Appendix 3: Chapter 6 as Recommended

6 LANDSCAPES AND RURAL CHARACTER

6.1

Purpose

The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. This chapter needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve. The relevant Chapter 3 objectives and policies are identified in brackets following each policy.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.

6.2

Values

The District's landscapes are of significant value to the people who live in, work in or visit the District. The District relies in a large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. Those landscapes also have inherent values, particularly to tangata whenua.

The landscapes consist of a variety of landforms created by uplift and glaciations, which include mountains, ice-sculpted rock, scree slopes, moraine, fans, a variety of confined and braided river systems, valley floors and lake basins. These distinct landforms remain easily legible and strong features of the present landscape.

Indigenous vegetation also contributes to the quality of the District's landscapes. While much of the original vegetation has been modified, the colour and texture of indigenous vegetation within these landforms contribute to the distinctive identity of the District's landscapes.

The open character of rural land is a key element of the landscape character that can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

Some rural areas, particularly those closer to the Queenstown and Wanaka urban areas and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.

While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.

The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

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 (RLC) makes up the remaining Rural Zoned land and has 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 locations¹.

6.3

Policies

Rural Landscape Categorisation

- 6.3.1** Classify the Rural Zoned landscapes in the District as:
- Outstanding Natural Feature (ONF);
 - Outstanding Natural Landscape (ONL);
 - Rural Character Landscape (RCL) (3.2.5.1, 3.2.5.2, 3.3.29, 3.3.31).
- 6.3.2** Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories. (3.2.1.1, 3.4.4.4, 3.3.21).
- 6.3.3** Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special 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 unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).

Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone

- 6.3.4** Avoid urban development and subdivision to urban densities in the rural zones. (3.2.2.1, 3.2.5.1, 3.2.5.2, 3.3.13-15, 3.3.23, 3.3.30, 3.3.32).
- 6.3.5** Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character. (3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).
- 6.3.6** Ensure the District's distinctive landscapes are not degraded by production forestry planting and harvesting activities. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.29, 3.3.31).
- 6.3.7** Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character. (3.2.1.7, 3.2.5.1, 3.2.5.2, 3.3.20).

¹. Greyed out text indicated the provision is subject to variation and is therefore not part of the Hearing Panel's recommendation.

- 6.3.8** Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.30, 3.3.32).
- 6.3.9** Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).
- 6.3.10** Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30).
- 6.3.11** Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32).

Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features

- 6.3.12** Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application. (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).
- 6.3.13** Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wahi tūpuna. (3.2.3.1, 3.2.5.1, 3.2.7.1, 3.3.16, 3.3.30, 3.3.33 - 35, Chapter 5).
- 6.3.14** Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20, 3.3.30).
- 6.3.15** The landscape character and amenity values of Outstanding Natural Landscapes are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals are not likely to be compatible with them. (3.2.5.1, 3.3.25, 3.3.30).
- 6.3.16** Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20-21, 3.3.30).
- 6.3.17** Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).
- 6.3.18** In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).

Managing Activities in Rural Character Landscapes

- 6.3.19** Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.20-24, 3.3.32).
- 6.3.20** Encourage plan changes applying Rural Lifestyle and Rural Residential Zones to land as the appropriate planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change. (3.2.1.8, 3.2.5.2, 3.3.22, 3.3.24, 3.3.32).
- 6.3.21** Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects. (3.2.1.8, 3.2.5.2, 3.3.23, 3.3.32).
- 6.3.22** Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.21, 3.3.24-25, 3.3.32).
- 6.3.23** Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32).
- 6.3.24** Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).
- 6.3.25** In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).
- 6.3.26** Avoid adverse effects on visual amenity from subdivision, use and development that:
- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or
 - b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).
- 6.3.27** In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.32).
- 6.3.28** In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-26, 3.3.32).
- 6.3.29** Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character. (3.2.1.1, 3.2.1.8, 3.3.21, 3.3.24, 3.3.32).

Managing Activities on Lakes and Rivers

- 6.3.30** Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).
- 6.3.31** Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced. (3.2.4.3, 3.2.5.1, 3.3.30).
- 6.3.32** Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).
- 6.3.33** Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).

6.4

Rules

- 6.4.1** **The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.**
- 6.4.2** **The landscape assessment matters do not apply to the following within the Rural Zone:**
- ski Area Activities within the Ski Area Sub Zones;
 - the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps;
 - the Gibbston Character Zone;
 - the Rural Lifestyle Zone;
 - the Rural Residential Zone ¹.

¹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

Appendix 4: Summary of Recommendations on Submission and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
10.1	Elizabeth Hanan	Accept in part	3.5
10.2	Elizabeth Hanan	Accept in part	2.6
10.3	Elizabeth Hanan	Accept in part	2.8
10.4	Elizabeth Hanan	Accept in part	2.10
10.5	Elizabeth Hanan	Accept in part	2.12
10.6	Elizabeth Hanan	Accept in Part	6.5
10.7	Elizabeth Hanan	Accept in part	2.3
18.1	John Murray Hanan	Accept in Part	6.3
18.2	John Murray Hanan	Accept in Part	6.5
19.2	Kain Fround	Accept in part	Part B
19.3	Kain Fround	Accept in Part	6.1-6.5
20.5	Aaron Cowie	Accept in Part	6.1-6.5
20.7	Aaron Cowie	Reject	2
21.10	Alison Walsh	Accept in Part	Part B
21.11	Alison Walsh	Accept in Part	2.1
21.12	Alison Walsh	Accept in Part	2.1
21.13	Alison Walsh	Accept in Part	2.1
21.14	Alison Walsh	Accept in part	Part B
21.15	Alison Walsh	Accept in part	Part B
21.16	Alison Walsh	Accept in part	Part B
21.17	Alison Walsh	Accept in part	Part B
21.18	Alison Walsh	Accept in part	2.2
21.19	Alison Walsh	Accept in part	2.4
21.20	Alison Walsh	Accept in part	2.6
21.21	Alison Walsh	Accept in part	2.8
21.22	Alison Walsh	Accept in part	2.10
21.23	Alison Walsh	Accept in part	2.12
21.25	Alison Walsh	Accept in Part	6.1-6.5
21.26	Alison Walsh	Accept in Part	6.1
21.27	Alison Walsh	Accept in Part	6.1
21.28	Alison Walsh	Accept in Part	6.1
21.29	Alison Walsh	Accept in Part	6.4
21.30	Alison Walsh	Accept in Part	6.3
21.31	Alison Walsh	Accept in Part	6.3
21.32	Alison Walsh	Accept in Part	6.4
21.33	Alison Walsh	Reject	6.5
21.34	Alison Walsh	Reject	6.5
21.35	Alison Walsh	Reject	6.5
21.36	Alison Walsh	Reject	6.5
21.38	Alison Walsh	Accept in part	8.1-8.8
21.39	Alison Walsh	Accept in part	8.1-8.8
21.9	Alison Walsh	Accept in Part	Part B
22.1	Raymond Walsh	Accept in part	8.1-8.8
28.1	John Hogue	Accept in part	2.3
46.1	Dave Attwell	Reject	2
69.2	Terence Hetherington	Reject	6.5
69.3	Terence Hetherington	Accept in Part	6.5
72.3	Kelvin Peninsula Community Association	Accept	6.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
86.2	Jeff Aldridge	Accept in Part	6.1-6.5
86.3	Jeff Aldridge	Accept in Part	6.1-6.5
86.4	Jeff Aldridge	Accept in Part	6.1-6.5
86.5	Jeff Aldridge	Accept in Part	6.1-6.5
91.1	Orchard Road Holdings Limited	Accept in part	3.5, 6.3, 6.4
110.15	Alan Cutler	Reject	8.8
110.16	Alan Cutler	Reject	8.4
110.2	Alan Cutler	Accept in part	8.2
110.3	Alan Cutler	Reject	8.4
115.2	Florence Micoud	Reject	2.2
115.3	Florence Micoud	Accept in Part	6.4
117.1	Maggie Lawton	Accept in Part	Part B
117.14	Maggie Lawton	Accept in part	8.5
117.37	Maggie Lawton	Accept in Part	6.3-6.5
117.38	Maggie Lawton	Reject	2.3
117.39	Maggie Lawton	Accept in part	2.9, 3.9
117.40	Maggie Lawton	Accept in part	2.9
117.41	Maggie Lawton	Accept in part	2.9
117.42	Maggie Lawton		2.9
117.43	Maggie Lawton	Accept in part	2.10
117.44	Maggie Lawton	Accept in part	2.12, 6.3, 6.4
117.45	Maggie Lawton	Accept in part	2.5, 2.12
120.2	Elizabeth Macdonald	Accept in part	Part B
145.12	Upper Clutha Environmental Society (Inc)	Accept in part	8.6, 8.7
145.14	Upper Clutha Environmental Society (Inc)	Reject	3.16
145.15	Upper Clutha Environmental Society (Inc)	Reject	3.16
145.18	Upper Clutha Environmental Society (Inc)	Accept in part	8.3-8.8
145.19	Upper Clutha Environmental Society (Inc)	Accept in Part	2, 2.11, 8.6
145.21	Upper Clutha Environmental Society (Inc)	Accept in part	8.6
145.27	Upper Clutha Environmental Society (Inc)	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
145.29	Upper Clutha Environmental Society (Inc)	Accept in Part	6.3
145.30	Upper Clutha Environmental Society (Inc)	Accept in part	8.4
145.5	Upper Clutha Environmental Society (Inc)	Accept in Part	2, 2.9, 3.14
145.9	Upper Clutha Environmental Society (Inc)	Reject	8.3
172.1	Peter Roberts	Accept in Part	6.4
179.8	Vodafone NZ	Accept in Part	2,3.18
187.1	Nicholas Kiddle	Accept in Part	Part B
187.10	Nicholas Kiddle	Accept in Part	6.4
187.2	Nicholas Kiddle	Accept in Part	6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
187.3	Nicholas Kiddle	Accept in part	8.1-8.8
189.2	Anne Gormack	Accept in Part	6.5
191.7	Spark Trading NZ Limited	Accept in Part	2, 3.18
197.10	Jeffrey Hylton	Accept in part	2.6
197.11	Jeffrey Hylton	Accept in part	2.6
197.12	Jeffrey Hylton	Accept in part	2.6
197.13	Jeffrey Hylton	Accept in part	2.6
197.14	Jeffrey Hylton	Accept in part	2.8
197.15	Jeffrey Hylton	Accept in part	2.10
197.16	Jeffrey Hylton	Accept in part	2.10
197.17	Jeffrey Hylton	Accept in part	2.10
197.18	Jeffrey Hylton	Accept in part	2.12
197.20	Jeffrey Hylton	Accept in Part	6.4
197.21	Jeffrey Hylton	Reject	8.3
197.7	Jeffrey Hylton	Accept in Part	2.1
197.8	Jeffrey Hylton	Accept in part	2.2
197.9	Jeffrey Hylton	Accept in part	2.4
199.1	Craig Douglas	Accept in part	2.2
199.2	Craig Douglas	Accept in part	2.2
199.21	Craig Douglas	Accept in Part	6.5
199.3	Craig Douglas	Reject	2.4
199.4	Craig Douglas	Accept in part	2.6
199.5	Craig Douglas	Accept in part	2.8
199.6	Craig Douglas	Accept in part	2.10
199.7	Craig Douglas	Accept in part	2.12
205.1	J E Boyer	Accept in Part	6.3, 6.4
208.29	Pounamu Body Corporate Committee	Accept in part	3.5, 6.3, 6.4
208.30	Pounamu Body Corporate Committee	Accept in part	3.5, 6.3, 6.4
208.31	Pounamu Body Corporate Committee	Accept in part	3.7, 6.3, 6.4
208.32	Pounamu Body Corporate Committee	Accept in Part	6.4
208.33	Pounamu Body Corporate Committee	Accept in Part	6.4
208.34	Pounamu Body Corporate Committee	Accept in Part	6.3, 6.5
217.1	Jay Berriman	Accept in part	2.3
217.2	Jay Berriman	Accept in part	2.6
217.3	Jay Berriman	Accept in part	2.8
217.4	Jay Berriman	Accept in part	2.10
217.5	Jay Berriman	Accept in part	2.10
221.1	Susan Cleaver	Accept in part	2.10
226.1	Guardians of Lake Hawea	Accept in part	2.8
238.1	NZIA Southern and Architecture + Women Southern	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
238.12	NZIA Southern and Architecture + Women Southern	Accept in Part	6.1
238.134	NZIA Southern and Architecture + Women Southern	Accept in Part	2.1
238.135	NZIA Southern and Architecture + Women Southern	Reject	2.15
238.136	NZIA Southern and Architecture + Women Southern	Accept in part	3.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.137	NZIA Southern and Architecture + Women Southern	Accept in part	2.3
238.138	NZIA Southern and Architecture + Women Southern	Accept in part	2.3
238.139	NZIA Southern and Architecture + Women Southern	Accept in part	3.5, 6.3, 6.4
238.140	NZIA Southern and Architecture + Women Southern	Accept in part	3.5, 6.3, 6.4
238.141	NZIA Southern and Architecture + Women Southern	Accept in part	2.6
238.142	NZIA Southern and Architecture + Women Southern	Reject	2.9
238.143	NZIA Southern and Architecture + Women Southern	Accept in part	2.12
238.144	NZIA Southern and Architecture + Women Southern	Accept in part	2.5, 2.12
238.145	NZIA Southern and Architecture + Women Southern	Accept in part	3.20, 6.3, 6.4
238.146	NZIA Southern and Architecture + Women Southern	Accept in part	2.5, 2.12
238.147	NZIA Southern and Architecture + Women Southern	Accept in part	2.12, 6.3, 6.4
238.148	NZIA Southern and Architecture + Women Southern	Accept in part	2.5, 2.12
238.16	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.17	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.18	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.19	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.2	NZIA Southern and Architecture + Women Southern	Accept in Part	6.1
238.20	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.21	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.22	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.23	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.24	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.25	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.26	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.27	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.28	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.29	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.30	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.3	NZIA Southern and Architecture + Women Southern	Accept in part	8.1-8.7
238.31	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.32	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.33	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.34	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.35	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.36	NZIA Southern and Architecture + Women Southern	Accept in Part	6.5
238.37	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3, 6.5
238.38	NZIA Southern and Architecture + Women Southern	Accept in Part	6.5
238.39	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3, 6.5
238.64	NZIA Southern and Architecture + Women Southern	Accept in Part	2.1
238.83	NZIA Southern and Architecture + Women Southern	Accept in part	8.1
238.84	NZIA Southern and Architecture + Women Southern	Accept in part	8.2
238.85	NZIA Southern and Architecture + Women Southern	Reject	8.3, 8.5
238.86	NZIA Southern and Architecture + Women Southern	Reject	8.5
238.88	NZIA Southern and Architecture + Women Southern	Accept in Part	6.5
244.2	Tania Flight	Accept in Part	6.5
248.11	Shotover Trust	Accept in part	2.11
248.12	Shotover Trust	Accept in part	2.11
248.13	Shotover Trust	Reject	8.3
248.14	Shotover Trust	Accept in part	8.3, 8.6, 8.7
248.15	Shotover Trust	Accept in part	8.7
248.16	Shotover Trust	Reject	8.7
248.17	Shotover Trust	Accept in part	8.7
249.2	Willowridge Developments Limited	Accept in part	2.3
249.3	Willowridge Developments Limited	Accept in part	3.2
249.4	Willowridge Developments Limited	Accept in part	3.2
249.5	Willowridge Developments Limited	Accept in part	3.1
249.6	Willowridge Developments Limited	Accept in part	2.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
249.7	Willowridge Developments Limited	Accept in part	3.5, 6.3, 6.4
249.9	Willowridge Developments Limited	Accept in part	8.6
251.1	PowerNet Limited	Accept in part	2.3, 3.18
251.2	PowerNet Limited	Accept in part	2.10, 2.11, 3.16
251.3	PowerNet Limited	Accept in part	2.3
251.4	PowerNet Limited	Reject	8.2
251.5	PowerNet Limited	Accept in part	8.6, 8.7
251.6	PowerNet Limited	Reject	8.4
255.1	N.W. & C.E. BEGGS	Accept in part	2.4
255.2	N.W. & C.E. BEGGS	Accept in part	2.6
255.3	N.W. & C.E. BEGGS	Accept in part	2.11
255.4	N.W. & C.E. BEGGS	Reject	8.3
255.5	N.W. & C.E. BEGGS		8.3
257.2	Louise Shackleton	Accept	6.3
265.1	Phillip Bunn	Accept in part	2.10
265.7	Phillip Bunn	Accept in Part	6.5
269.1	David Barton	Accept in Part	6.1-6.5
271.10	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
271.3	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
271.4	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.5
271.5	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	3.5, 6.3, 6.4
271.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
271.7	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
271.8	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
271.9	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
276.3	Jane Hazlett	Accept in Part	6.5
285.1	Debbie MacColl	Accept in part	3.5
285.12	Debbie MacColl	Reject	8.7
285.13	Debbie MacColl	Reject	8.3
285.2	Debbie MacColl	Accept in part	2.10
285.20	Debbie MacColl	Reject	6.5
285.21	Debbie MacColl	Accept in part	3.8
285.3	Debbie MacColl	Accept in part	3.19
285.4	Debbie MacColl	Accept in part	2.12
285.5	Debbie MacColl	Accept in Part	6.4
285.6	Debbie MacColl	Reject	6.5
285.7	Debbie MacColl	Reject	6.5
285.8	Debbie MacColl	Reject	8.4
285.9	Debbie MacColl	Accept	8.3
288.1	Barn Hill Limited	Accept in part	2.10
289.1	A Brown	Accept in part	2.3
289.10	A Brown	Accept in part	2.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
289.11	A Brown	Accept in part	2.11
289.12	A Brown	Accept in part	2.11
289.13	A Brown	Accept in part	2.3
289.2	A Brown	Accept in part	2.5
289.3	A Brown	Accept	3.5
289.4	A Brown	Accept in part	3.5, 6.3, 6.4
289.5	A Brown	Accept in part	3.5, 6.3, 6.4
289.8	A Brown	Accept in part	2.9
289.9	A Brown	Accept	2.9
292.1	John Walker	Accept	2.1
292.2	John Walker	Accept in part	3.2, 3.3
292.3	John Walker	Accept in part	2.4
292.4	John Walker	Accept in part	2.6, 3.8
292.5	John Walker	Accept in part	3.20, 6.3, 6.4
294.1	Steven Bunn	Accept in part	2.4
297.1	Taco Medic	Accept	2.1
300.2	Rob Jewell	Reject	8.3
300.3	Rob Jewell	Accept in part	8.4
307.1	Kawarau Jet Services Holdings Ltd	Accept in part	3.14, 8.8
313.1	John Langley	Accept in part	8.5
315.2	The Alpine Group Limited	Accept in part	2.3
315.3	The Alpine Group Limited	Accept in part	2.3
315.4	The Alpine Group Limited	Accept in part	8.4
325.1	Solobio Ltd - owner of Matukituki Station	Accept in part	8.3-8.5
325.10	Solobio Ltd - owner of Matukituki Station	Accept in part	8.5
325.11	Solobio Ltd - owner of Matukituki Station	Reject	8.7
325.12	Solobio Ltd - owner of Matukituki Station	Reject	8.7
325.13	Solobio Ltd - owner of Matukituki Station	Accept	8.6
325.14	Solobio Ltd - owner of Matukituki Station	Reject	8.7
325.15	Solobio Ltd - owner of Matukituki Station	Accept in part	8.6
325.2	Solobio Ltd - owner of Matukituki Station	Accept in part	8.3, 8.6, 8.7
325.8	Solobio Ltd - owner of Matukituki Station	Reject	8.4
325.9	Solobio Ltd - owner of Matukituki Station	Accept in part	8.4
332.1	this is a personal submission	Accept in Part	2
333.1	Tim Medland	Accept in Part	2
333.2	Tim Medland	Accept	6.4
335.1	Nic Blennerhassett	Accept in Part	5, 6.5
335.3	Nic Blennerhassett	Accept in Part	6.1-6.5
339.14	Evan Alty	Accept in part	2.8
339.15	Evan Alty	Accept in part	2.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
339.16	Evan Alty	Reject	3.9
339.17	Evan Alty	Accept in part	3.9
339.18	Evan Alty	Reject	3.9
339.19	Evan Alty	Reject	2.9
339.2	Evan Alty	Accept in Part	2.8, 2.9
339.20	Evan Alty		2.9, 3.10
339.21	Evan Alty	Accept in part	3.11
339.22	Evan Alty	Reject	2.9
339.23	Evan Alty	Reject	3.12
339.24	Evan Alty	Accept in part	2.9
339.25	Evan Alty	Accept in part	2.9
339.26	Evan Alty	Accept in part	3.14
339.27	Evan Alty	Reject	2.9
339.28	Evan Alty	Reject	3.15
339.3	Evan Alty	Accept in part	2.8
339.4	Evan Alty	Accept	2.9
340.1	Ros & Dennis Hughes	Accept in part	8.5
340.3	Ros & Dennis Hughes	Accept in Part	6.4, 8.5
340.4	Ros & Dennis Hughes	Accept in part	8.5
343.1	ZJV (NZ) Limited	Accept in part	2.3
343.2	ZJV (NZ) Limited	Accept in part	2.3
343.3	ZJV (NZ) Limited	Accept in part	3.19
343.9	ZJV (NZ) Limited	Accept in part	3.19
345.1	(K)John McQuilkin	Accept in part	2.3
345.2	(K)John McQuilkin	Accept in part	2.3
345.3	(K)John McQuilkin	Accept in part	3.19
345.4	(K)John McQuilkin	Accept in part	3.19
355.1	Matukituki Trust	Accept in Part	Part B
355.10	Matukituki Trust	Reject	8.5
355.11	Matukituki Trust	Reject	8.3
355.12	Matukituki Trust	Accept	8.7
355.18	Matukituki Trust	Accept in part	8.1-8.8
355.2	Matukituki Trust	Accept in part	2.11
355.3	Matukituki Trust	Accept in part	3.16
355.4	Matukituki Trust	Reject	8.3
355.5	Matukituki Trust	Accept in part	8.6
355.6	Matukituki Trust	Accept in part	8.7
355.7	Matukituki Trust	Reject	8.6
355.8	Matukituki Trust	Accept	8.3
355.9	Matukituki Trust	Accept	8.6
356.10	X-Ray Trust Limited	Accept in part	8.5
356.34	X-Ray Trust Limited	Accept in Part	Part B
356.35	X-Ray Trust Limited	Accept in part	8.1-8.8
356.5	X-Ray Trust Limited	Reject	8.5
356.6	X-Ray Trust Limited	Reject	8.7
356.7	X-Ray Trust Limited	Accept in part	8.3
356.8	X-Ray Trust Limited	Accept in part	8.7
356.9	X-Ray Trust Limited	Accept in part	8.7
361.5	Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson,	Accept in part	3.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
	Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd		
373.10	Department of Conservation	Accept in part	3.11
373.11	Department of Conservation	Accept in part	8.4, 8.6
373.12	Department of Conservation	Reject	8.3
373.4	Department of Conservation	Accept in part	2.8
373.5	Department of Conservation	Reject	3.9
373.6	Department of Conservation	Accept in part	3.9
373.7	Department of Conservation	Reject	2.9
373.8	Department of Conservation	Reject	2.9, 3.10
373.9	Department of Conservation	Accept in part	2.9
375.1	Jeremy Carey-Smith	Accept in part	2.3
375.10	Jeremy Carey-Smith	Accept in part	8.6
375.11	Jeremy Carey-Smith	Reject	8.6
375.12	Jeremy Carey-Smith	Reject	8.6
375.13	Jeremy Carey-Smith	Reject	8.5
375.14	Jeremy Carey-Smith	Accept in part	8.6, 8.7
375.2	Jeremy Carey-Smith	Accept in part	2.11
375.3	Jeremy Carey-Smith	Accept in part	3.16
375.4	Jeremy Carey-Smith	Accept in part	2.3
375.5	Jeremy Carey-Smith	Accept in part	3.19
375.6	Jeremy Carey-Smith	Accept in part	3.19
375.7	Jeremy Carey-Smith	Accept in part	8.2
375.8	Jeremy Carey-Smith	Accept in part	8.3
375.9	Jeremy Carey-Smith	Accept in part	8.4
378.1	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.4
378.10	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.4
378.11	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.4
378.12	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.4
378.13	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.5
378.14	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.6
378.15	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	6.3
378.16	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
378.17	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.3
378.18	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	8.7
378.19	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.7
378.2	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.9, 3.9
378.20	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.7
378.21	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept	8.7
378.22	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	8.5
378.3	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.9, 3.10
378.31	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	Part B
378.32	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.1-6.5
378.33	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.1-8.8
378.4	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.9
378.5	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.11
378.6	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.11
378.7	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.5, 2.12
380.1	Villa delLago	Accept in Part	6.4
380.14	Villa delLago	Reject	8.3
380.15	Villa delLago	Reject	8.3
380.16	Villa delLago	Reject	8.3
380.17	Villa delLago	Reject	8
380.18	Villa delLago	Reject	8.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
380.19	Villa dellago	Reject	8.3
380.2	Villa dellago	Accept in Part	6.3
380.20	Villa dellago	Reject	8.3
380.21	Villa dellago	Reject	8.3
380.22	Villa dellago	Reject	8.3
380.3	Villa dellago	Accept in Part	6.3
380.4	Villa dellago	Accept in Part	6.4
380.5	Villa dellago	Reject	6.5
380.59	Villa dellago	Accept in Part	6.4
380.6	Villa dellago	Reject	6.5
380.7	Villa dellago	Reject	6.5
380.8	Villa dellago	Reject	6.5
383.10	Queenstown Lakes District Council	Accept in part	2.8
383.11	Queenstown Lakes District Council	Accept in part	2.12
383.12	Queenstown Lakes District Council	Accept in Part	6.3
383.9	Queenstown Lakes District Council	Reject	2.5
407.2	Mount Cardrona Station Limited	Accept in part	2.3
407.3	Mount Cardrona Station Limited	Accept in part	2.3
414.2	Clark Fortune McDonald & Associates Ltd	Reject	6.3
421.7	Two Degrees Mobile Limited	Accept in Part	2, 3.18
423.1	Carol Bunn	Accept in part	2.10
430.3	Ayrburn Farm Estate Ltd	Accept in part	2.3, 2.11, 3.16
430.4	Ayrburn Farm Estate Ltd	Accept in part	8.2
430.5	Ayrburn Farm Estate Ltd	Accept in part	8.3-8.4, 8.6-8.7
430.6	Ayrburn Farm Estate Ltd	Accept in part	8.3, 8.7
430.7	Ayrburn Farm Estate Ltd	Accept in part	8.3, 8.7
433.37	Queenstown Airport Corporation	Accept in part	2.3
433.38	Queenstown Airport Corporation	Accept in part	2.10, 2.11, 3.16
433.39	Queenstown Airport Corporation	Accept in part	2.3
433.40	Queenstown Airport Corporation	Reject	6.1
433.41	Queenstown Airport Corporation	Accept in Part	6.4
433.42	Queenstown Airport Corporation	Accept in Part	6.4
433.43	Queenstown Airport Corporation	Accept in Part	6.5
433.44	Queenstown Airport Corporation	Accept in Part	6.3, 6.5
433.45	Queenstown Airport Corporation	Accept in Part	6.5
433.46	Queenstown Airport Corporation	Reject	8.2
433.47	Queenstown Airport Corporation	Accept in part	8.6-8.7
433.48	Queenstown Airport Corporation	Accept in part	8.6
433.49	Queenstown Airport Corporation	Accept in part	8.6
433.50	Queenstown Airport Corporation	Accept in part	8.7
435.1	Catherine Fallon	Accept in Part	6.1
437.10	Trojan Helmet Limited	Accept in part	3.19
437.11	Trojan Helmet Limited	Accept in part	3.19
437.13	Trojan Helmet Limited	Accept in part	8.2
437.14	Trojan Helmet Limited	Reject	8.3
437.15	Trojan Helmet Limited	Reject	8.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
437.16	Trojan Helmet Limited	Accept in part	8.4
437.17	Trojan Helmet Limited	Accept in part	8.6
437.18	Trojan Helmet Limited	Accept in part	8.7
437.19	Trojan Helmet Limited	Accept in part	8.5
437.20	Trojan Helmet Limited	Accept in part	8.7
437.21	Trojan Helmet Limited	Accept in part	8.3
437.22	Trojan Helmet Limited	Reject	8.7
437.23	Trojan Helmet Limited	Reject	8.7
437.24	Trojan Helmet Limited	Accept in part	8.7
437.25	Trojan Helmet Limited	Accept in part	8.7
437.26	Trojan Helmet Limited	Accept in part	8.7
437.27	Trojan Helmet Limited	Accept in part	8.7
437.28	Trojan Helmet Limited	Accept in part	8.6
437.29	Trojan Helmet Limited	Accept in part	8.3
437.3	Trojan Helmet Limited	Accept in part	2.3
437.30	Trojan Helmet Limited	Reject	8.7
437.31	Trojan Helmet Limited	Accept in part	8.7
437.32	Trojan Helmet Limited	Reject	8.7
437.33	Trojan Helmet Limited	Accept in part	8.5
437.34	Trojan Helmet Limited	Accept in part	8.7
437.35	Trojan Helmet Limited	Reject	8.3
437.5	Trojan Helmet Limited	Accept in part	2.11
437.6	Trojan Helmet Limited	Accept in part	3.16
437.7	Trojan Helmet Limited	Accept in part	3.16
437.9	Trojan Helmet Limited	Accept in part	2.3
438.3	New Zealand Fire Service	Accept in part	2.3
442.1	David and Margaret Bunn	Accept in Part	2.1, 2.5
442.2	David and Margaret Bunn	Reject	2.4, 2.5
442.3	David and Margaret Bunn	Accept in part	2.10, 2.11, 3.16
442.4	David and Margaret Bunn	Accept in part	2.12
442.5	David and Margaret Bunn	Accept in Part	6.5
442.6	David and Margaret Bunn	Reject	8.2
456.1	Hogans Gully Farming Limited	Accept in part	2.3
456.10	Hogans Gully Farming Limited	Accept in part	8.4
456.11	Hogans Gully Farming Limited	Accept in part	8.6
456.12	Hogans Gully Farming Limited	Accept in part	8.7
456.13	Hogans Gully Farming Limited	Reject	8.7
456.14	Hogans Gully Farming Limited	Accept in part	8.3
456.15	Hogans Gully Farming Limited	Reject	8.3, 8.7
456.16	Hogans Gully Farming Limited	Accept in part	8.7
456.17	Hogans Gully Farming Limited	Accept in part	8.7
456.18	Hogans Gully Farming Limited	Accept in part	8.7
456.19	Hogans Gully Farming Limited	Accept in part	8.3
456.2	Hogans Gully Farming Limited	Accept in part	2.11
456.20	Hogans Gully Farming Limited	Accept in part	8.7
456.21	Hogans Gully Farming Limited	Accept in part	8.7
456.22	Hogans Gully Farming Limited	Reject	8.7
456.23	Hogans Gully Farming Limited	Accept in part	8.7
456.3	Hogans Gully Farming Limited	Accept in part	3.16

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
456.4	Hogans Gully Farming Limited	Accept in part	2.11
456.5	Hogans Gully Farming Limited	Accept in part	2.3
456.6	Hogans Gully Farming Limited	Accept in part	3.19
456.7	Hogans Gully Farming Limited	Accept in part	3.19
456.8	Hogans Gully Farming Limited	Accept in part	8.2
456.9	Hogans Gully Farming Limited	Accept in part	8.3, 8.6-8.7
463.1	Zuzana Millson	Accept in part	8.6, 8.7
469.1	Julie Newell	Accept in part	2.12
471.1	Reece Gibson	Accept in part	2.4
502.1	Allenby Farms Limited	Accept in part	2.11
502.2	Allenby Farms Limited	Accept in part	2.11
502.3	Allenby Farms Limited	Accept in part	8.6
502.4	Allenby Farms Limited	Reject	8.7
513.1	Jenny Barb	Accept in part	2.3
513.10	Jenny Barb	Accept in part	2.5, 2.12
513.11	Jenny Barb	Accept in part	8.7
513.12	Jenny Barb	Reject	8.7
513.13	Jenny Barb	Reject	8.7
513.14	Jenny Barb	Accept in part	8.3
513.15	Jenny Barb	Accept	8.7
513.16	Jenny Barb	Reject	8.7
513.17	Jenny Barb	Reject	8.3
513.18	Jenny Barb	Accept in part	8.7
513.19	Jenny Barb	Accept in part	8.7
513.2	Jenny Barb	Accept in part	2.11
513.20	Jenny Barb	Reject	8.7
513.21	Jenny Barb	Reject	8.7
513.22	Jenny Barb	Reject	8.7
513.23	Jenny Barb	Reject	8.7
513.3	Jenny Barb	Accept in part	3.16
513.4	Jenny Barb	Accept in part	3.16
513.5	Jenny Barb	Accept in part	2.11
513.6	Jenny Barb	Accept in part	2.11
513.7	Jenny Barb	Accept in part	2.11
513.8	Jenny Barb	Accept in part	2.3
513.9	Jenny Barb	Accept in part	3.19
515.1	Wakatipu Equities	Accept in part	2.11
515.10	Wakatipu Equities	Reject	8.7
515.11	Wakatipu Equities	Reject	8.7
515.12	Wakatipu Equities	Accept in part	8.3
515.13	Wakatipu Equities	Accept	8.7
515.14	Wakatipu Equities	Reject	8.7
515.15	Wakatipu Equities	Reject	8.3
515.16	Wakatipu Equities	Accept in part	8.7
515.17	Wakatipu Equities	Accept in part	8.7
515.18	Wakatipu Equities	Reject	8.7
515.19	Wakatipu Equities	Reject	8.7
515.2	Wakatipu Equities	Accept in part	3.16
515.3	Wakatipu Equities	Accept in part	2.11
515.4	Wakatipu Equities	Accept in part	2.11

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
515.5	Wakatipu Equities	Accept in part	2.3
515.6	Wakatipu Equities	Accept in part	3.19
515.7	Wakatipu Equities	Accept in part	3.19
515.8	Wakatipu Equities	Accept in part	2.5, 2.12
515.9	Wakatipu Equities	Accept in part	8.7
519.10	New Zealand Tungsten Mining Limited	Accept in part	2.3
519.11	New Zealand Tungsten Mining Limited	Accept in part	3.9
519.12	New Zealand Tungsten Mining Limited	Reject	2.9
519.13	New Zealand Tungsten Mining Limited	Reject	3.14
519.14	New Zealand Tungsten Mining Limited	Accept in part	3.15
519.15	New Zealand Tungsten Mining Limited	Accept in part	2.11
519.16	New Zealand Tungsten Mining Limited	Accept in part	3.16
519.17	New Zealand Tungsten Mining Limited	Accept in part	3.16
519.18	New Zealand Tungsten Mining Limited	Accept in part	2.11
519.19	New Zealand Tungsten Mining Limited	Accept in part	3.16
519.20	New Zealand Tungsten Mining Limited	Accept in part	2.11, 3.18
519.21	New Zealand Tungsten Mining Limited	Accept in part	3.18
519.23	New Zealand Tungsten Mining Limited	Accept in part	8.6
519.24	New Zealand Tungsten Mining Limited	Reject	8.7
519.25	New Zealand Tungsten Mining Limited	Accept in part	8.3
519.26	New Zealand Tungsten Mining Limited	Accept in part	8.5
519.27	New Zealand Tungsten Mining Limited	Reject	8.3
519.28	New Zealand Tungsten Mining Limited	Accept in part	8.7
519.29	New Zealand Tungsten Mining Limited	Reject	8.6
519.30	New Zealand Tungsten Mining Limited	Accept in part	8.3
519.31	New Zealand Tungsten Mining Limited	Accept	8.5
519.32	New Zealand Tungsten Mining Limited	Reject	8.5
519.8	New Zealand Tungsten Mining Limited	Accept in part	3.18
519.9	New Zealand Tungsten Mining Limited	Accept in part	2.3
522.1	Kristie Jean Brustad and Harry James Inch	Accept in part	2.3
522.10	Kristie Jean Brustad and Harry James Inch	Accept in part	3.19
522.11	Kristie Jean Brustad and Harry James Inch	Accept in part	2.5, 2.12
522.12	Kristie Jean Brustad and Harry James Inch	Accept in part	8.7
522.13	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.14	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.15	Kristie Jean Brustad and Harry James Inch	Accept in part	8.3
522.16	Kristie Jean Brustad and Harry James Inch	Accept	8.7
522.17	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.18	Kristie Jean Brustad and Harry James Inch	Reject	8.3
522.19	Kristie Jean Brustad and Harry James Inch	Accept in part	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
522.2	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.20	Kristie Jean Brustad and Harry James Inch	Accept in part	8.7
522.21	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.22	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.23	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.3	Kristie Jean Brustad and Harry James Inch	Accept in part	3.16
522.4	Kristie Jean Brustad and Harry James Inch	Accept in part	3.16
522.5	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.6	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.7	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.8	Kristie Jean Brustad and Harry James Inch	Accept in part	2.3
522.9	Kristie Jean Brustad and Harry James Inch	Accept in part	3.19
524.10	Ministry of Education	Accept in Part	6.3, 6.5
524.11	Ministry of Education	Reject	6.5
524.12	Ministry of Education	Reject	6.5
524.13	Ministry of Education	Reject	6.5
524.5	Ministry of Education	Accept in part	3.5, 6.3, 6.4
524.6	Ministry of Education	Accept in part	3.5, 6.3, 6.4
524.7	Ministry of Education	Accept in part	2.5, 2.12
524.8	Ministry of Education	Accept in Part	6.1
524.9	Ministry of Education	Accept	6.4
528.1	Shotover Country Limited	Accept in part	2.11
528.2	Shotover Country Limited	Accept in part	2.5, 2.12
528.3	Shotover Country Limited	Reject	8.4
528.4	Shotover Country Limited	Accept in part	8.3
528.5	Shotover Country Limited	Reject	8.3
528.6	Shotover Country Limited	Accept in part	8.7
531.1	Crosshill Farms Limited	Accept in part	2.11
531.10	Crosshill Farms Limited	Reject	8.7
531.11	Crosshill Farms Limited	Reject	8.7
531.12	Crosshill Farms Limited	Accept in part	8.3
531.13	Crosshill Farms Limited	Accept	8.7
531.14	Crosshill Farms Limited	Reject	8.7
531.15	Crosshill Farms Limited	Reject	8.3
531.16	Crosshill Farms Limited	Accept in part	8.7
531.17	Crosshill Farms Limited	Accept in part	8.7
531.18	Crosshill Farms Limited	Reject	8.7
531.19	Crosshill Farms Limited	Reject	8.7
531.2	Crosshill Farms Limited	Accept in part	3.16

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
531.3	Crosshill Farms Limited	Accept in part	2.11
531.4	Crosshill Farms Limited	Accept in part	2.11
531.5	Crosshill Farms Limited	Accept in part	2.3
531.6	Crosshill Farms Limited	Accept in part	3.19
531.7	Crosshill Farms Limited	Accept in part	3.19
531.8	Crosshill Farms Limited	Accept in part	2.5, 2.12
531.9	Crosshill Farms Limited	Accept in part	8.7
532.1	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.3
532.10	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	8.7
532.11	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.7
532.12	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.7
532.13	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	8.3
532.14	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.7
532.15	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.3
532.16	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	8.7
532.2	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.11
532.3	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.16
532.4	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.16
532.5	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.11
532.6	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.3
532.7	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.19

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
532.8	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.19
532.9	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.5, 2.12
534.1	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.3
534.10	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	8.7
534.11	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.7
534.12	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.7
534.13	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	8.3
534.14	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.7
534.15	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.3
534.16	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	8.7
534.2	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.11
534.3	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.16
534.4	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.16
534.5	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.11
534.6	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.3
534.7	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.19
534.8	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.19
534.9	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.5, 2.12
535.1	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.3
535.10	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	8.7
535.11	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.7
535.12	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
535.13	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	8.3
535.14	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.7
535.15	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.3
535.16	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	8.7
535.2	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.11
535.3	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.16
535.4	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.16
535.5	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.11
535.6	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.3
535.7	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.19
535.8	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.19
535.9	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.5, 2.12
537.1	Slopehill Joint Venture	Accept in part	2.3
537.10	Slopehill Joint Venture	Accept in part	2.5, 2.12
537.11	Slopehill Joint Venture	Accept in part	8.7
537.12	Slopehill Joint Venture	Reject	8.7
537.13	Slopehill Joint Venture	Reject	8.7
537.14	Slopehill Joint Venture	Accept in part	8.3
537.15	Slopehill Joint Venture	Accept	8.7
537.16	Slopehill Joint Venture	Reject	8.7
537.17	Slopehill Joint Venture	Reject	8.3
537.18	Slopehill Joint Venture	Accept in part	8.7
537.19	Slopehill Joint Venture	Accept in part	8.7
537.2	Slopehill Joint Venture	Accept in part	3.16
537.20	Slopehill Joint Venture	Reject	8.7
537.21	Slopehill Joint Venture	Reject	8.7
537.22	Slopehill Joint Venture	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
537.3	Slopehill Joint Venture	Accept in part	2.11
537.4	Slopehill Joint Venture	Accept in part	3.16
537.43	Slopehill Joint Venture	Accept in part	2.3
537.5	Slopehill Joint Venture	Accept in part	2.11
537.6	Slopehill Joint Venture	Accept in part	2.11
537.7	Slopehill Joint Venture	Accept in part	2.11
537.8	Slopehill Joint Venture	Accept in part	2.3
537.9	Slopehill Joint Venture	Accept in part	3.19
568.6	Grant Laurie Bissett	Accept in part	8.5
570.3	Shotover Hamlet Investments Limited	Accept in Part	Part B
570.5	Shotover Hamlet Investments Limited	Accept in part	8.1-8.8
571.6	Totally Tourism Limited	Accept in Part	2.3, 3.1
580.2	Contact Energy Limited	Accept in part	8.4
580.3	Contact Energy Limited	Reject	8.6
580.6	Contact Energy Limited	Reject	8.8
581.10	Lesley and Jerry Burdon	Accept	8.7
581.11	Lesley and Jerry Burdon	Reject	8.7
581.12	Lesley and Jerry Burdon	Reject	8.7
581.5	Lesley and Jerry Burdon	Accept in part	2.11
581.6	Lesley and Jerry Burdon	Accept in part	2.11
581.7	Lesley and Jerry Burdon	Accept in part	8.6
581.8	Lesley and Jerry Burdon	Reject	8.7
581.9	Lesley and Jerry Burdon	Accept in part	8.3
590.1	Sam Kane	Accept in part	2.9
590.3	Sam Kane	Accept in part	8.5
590.4	Sam Kane	Reject	8.7
590.5	Sam Kane	Accept	8.6
598.1	Straterra	Reject	2.1
598.10	Straterra	Accept in part	2.9
598.11	Straterra	Accept in part	3.13
598.12	Straterra	Accept in part	2.9
598.13	Straterra	Accept in part	3.15
598.14	Straterra	Accept in part	2.10
598.15	Straterra	Accept in part	2.11
598.16	Straterra	Accept in part	3.16
598.17	Straterra	Accept in part	2.11
598.18	Straterra	Accept in part	3.16
598.19	Straterra	Accept in part	2.11, 3.18
598.2	Straterra	Accept in part	2.2
598.20	Straterra	Accept in part	2.3
598.21	Straterra	Accept in part	3.19
598.22	Straterra	Accept in part	3.19
598.23	Straterra	Accept in part	8.1
598.24	Straterra	Reject	8.3
598.25	Straterra	Accept in part	8.6
598.27	Straterra	Accept in part	8.7
598.28	Straterra	Accept in part	8.3
598.29	Straterra	Reject	8.7
598.3	Straterra	Accept in part	2.3
598.30	Straterra	Accept in part	8.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
598.31	Straterra	Reject	8.3
598.32	Straterra	Accept in part	8.7
598.33	Straterra	Reject	8.6
598.34	Straterra	Accept in part	8.3
598.35	Straterra	Accept in part	8.7
598.36	Straterra	Reject	8.3
598.37	Straterra	Accept	8.5
598.38	Straterra	Reject	8.5
598.4	Straterra	Accept in part	3.4
598.5	Straterra	Accept in part	2.3
598.6	Straterra	Reject	2.9
598.7	Straterra	Accept in part	3.9
598.8	Straterra	Reject	2.9
598.9	Straterra	Accept in part	3.12
600.11	Federated Farmers of New Zealand	Accept in Part	2.1
600.12	Federated Farmers of New Zealand	Accept in part	2.2
600.13	Federated Farmers of New Zealand	Accept in part	2.3
600.14	Federated Farmers of New Zealand	Accept in part	2.4, 2.5
600.15	Federated Farmers of New Zealand	Accept in part	2.9
600.16	Federated Farmers of New Zealand	Accept in part	2.9
600.17	Federated Farmers of New Zealand	Accept in part	3.9
600.18	Federated Farmers of New Zealand	Accept in part	3.9
600.19	Federated Farmers of New Zealand	Reject	2.9
600.20	Federated Farmers of New Zealand	Accept in part	2.9, 3.10
600.21	Federated Farmers of New Zealand	Accept in part	2.9
600.22	Federated Farmers of New Zealand	Accept in part	3.11
600.23	Federated Farmers of New Zealand	Accept in part	3.12
600.24	Federated Farmers of New Zealand	Accept in part	2.9
600.25	Federated Farmers of New Zealand	Reject	3.13
600.26	Federated Farmers of New Zealand	Reject	2.9
600.27	Federated Farmers of New Zealand	Accept in part	3.14
600.28	Federated Farmers of New Zealand	Accept in part	2.10
600.29	Federated Farmers of New Zealand	Accept in part	2.11
600.30	Federated Farmers of New Zealand	Accept in part	3.16
600.31	Federated Farmers of New Zealand	Accept in part	2.11
600.32	Federated Farmers of New Zealand	Accept in part	2.11
600.33	Federated Farmers of New Zealand	Accept in part	2.11
600.34	Federated Farmers of New Zealand	Accept in part	3.18
600.35	Federated Farmers of New Zealand	Accept in part	2.3
600.36	Federated Farmers of New Zealand	Accept in part	3.19
600.37	Federated Farmers of New Zealand	Accept in part	3.19
600.39	Federated Farmers of New Zealand	Accept in Part	6.4
600.42	Federated Farmers of New Zealand	Accept in part	8.2
600.43	Federated Farmers of New Zealand	Reject	8.3
600.44	Federated Farmers of New Zealand	Reject	8.5
600.45	Federated Farmers of New Zealand	Reject	8.7
600.46	Federated Farmers of New Zealand	Accept in part	8.3
600.47	Federated Farmers of New Zealand	Reject	8.7
600.48	Federated Farmers of New Zealand	Reject	8.7
600.49	Federated Farmers of New Zealand	Reject	8.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
600.50	Federated Farmers of New Zealand	Reject	8.3
600.51	Federated Farmers of New Zealand	Accept	8.6
600.52	Federated Farmers of New Zealand	Reject	8.7
600.53	Federated Farmers of New Zealand	Reject	8.3
600.54	Federated Farmers of New Zealand	Accept	8.5
607.10	Te Anau Developments Limited	Accept in part	3.1
607.11	Te Anau Developments Limited	Reject	3.4
607.12	Te Anau Developments Limited	Accept in part	2.3
607.13	Te Anau Developments Limited	Accept in part	2.7
607.14	Te Anau Developments Limited	Reject	3.8
607.15	Te Anau Developments Limited	Reject	2.9
607.16	Te Anau Developments Limited	Accept in part	2.11
607.17	Te Anau Developments Limited	Accept in part	3.16
607.18	Te Anau Developments Limited	Accept in part	2.11
607.19	Te Anau Developments Limited	Accept in part	3.19
607.6	Te Anau Developments Limited	Reject	2.15
607.7	Te Anau Developments Limited	Accept in part	2.3
607.8	Te Anau Developments Limited	Accept in part	3.1
608.1	Darby Planning LP	Accept in part	2
608.10	Darby Planning LP	Reject	3.5
608.11	Darby Planning LP	Reject	3.5
608.12	Darby Planning LP	Accept in part	3.5, 6.3, 6.4
608.13	Darby Planning LP	Accept in part	3.5, 6.3, 6.4
608.14	Darby Planning LP	Accept in part	3.5, 6.3, 6.4
608.15	Darby Planning LP	Accept in part	2.9
608.16	Darby Planning LP	Accept in part	3.11
608.17	Darby Planning LP	Accept in part	2.11
608.18	Darby Planning LP	Accept in part	3.16
608.19	Darby Planning LP	Accept in part	2.11
608.2	Darby Planning LP	Accept in Part	2.1
608.20	Darby Planning LP	Accept in part	3.5, 3.17
608.21	Darby Planning LP	Accept in part	2.3
608.22	Darby Planning LP	Accept in part	3.19
608.23	Darby Planning LP	Accept in part	2.5, 2.12
608.24	Darby Planning LP	Accept in Part	6.4
608.25	Darby Planning LP	Accept in Part	6.4
608.26	Darby Planning LP	Accept in Part	6.3
608.27	Darby Planning LP	Accept in Part	6.3
608.28	Darby Planning LP	Accept in Part	6.3
608.29	Darby Planning LP	Accept in Part	6.4
608.3	Darby Planning LP	Accept in part	2.3, 3.2, 3.18
608.30	Darby Planning LP	Accept in Part	6.4
608.31	Darby Planning LP	Accept in Part	6.5
608.32	Darby Planning LP	Accept in Part	6.3, 6.5
608.33	Darby Planning LP	Accept in Part	6.3, 6.5
608.34	Darby Planning LP	Accept in Part	6.5
608.35	Darby Planning LP	Accept in Part	6.5
608.36	Darby Planning LP	Reject	6.5
608.37	Darby Planning LP	Accept in part	8.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
608.38	Darby Planning LP	Reject	8.3
608.39	Darby Planning LP	Accept in part	8.7
608.4	Darby Planning LP	Accept in part	2.3
608.40	Darby Planning LP	Reject	8.7
608.41	Darby Planning LP	Reject	8.7
608.42	Darby Planning LP	Accept in part	8.3
608.43	Darby Planning LP	Reject	8.7
608.44	Darby Planning LP	Reject	8.3
608.45	Darby Planning LP	Accept in part	8.7
608.46	Darby Planning LP	Accept in part	8.7
608.47	Darby Planning LP	Reject	8.7
608.48	Darby Planning LP	Reject	8.7
608.49	Darby Planning LP	Reject	8.6
608.5	Darby Planning LP	Accept in part	3.3
608.50	Darby Planning LP	Reject	8.3
608.51	Darby Planning LP	Reject	8.3
608.52	Darby Planning LP	Accept	3.19
608.53	Darby Planning LP	Accept in part	8.4
608.6	Darby Planning LP	Accept in part	2.3
608.7	Darby Planning LP	Accept	3.4
608.74	Darby Planning LP	Accept in Part	6.4
608.8	Darby Planning LP	Accept in part	2.3
608.9	Darby Planning LP	Accept in part	2.5
610.1	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	8.3
610.2	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	8.5
610.3	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	3.19
610.4	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in part	8.4
613.1	Treble Cone Investments Limited.	Reject	8.3
613.2	Treble Cone Investments Limited.	Reject	8.5
613.3	Treble Cone Investments Limited.	Reject	3.19
613.4	Treble Cone Investments Limited.	Accept in part	8.4
615.10	Cardrona Alpine Resort Limited	Accept in part	3.1
615.11	Cardrona Alpine Resort Limited	Reject	3.4
615.12	Cardrona Alpine Resort Limited	Accept in part	2.3
615.13	Cardrona Alpine Resort Limited	Accept in part	2.7
615.14	Cardrona Alpine Resort Limited	Reject	3.8
615.15	Cardrona Alpine Resort Limited	Reject	2.9
615.16	Cardrona Alpine Resort Limited	Accept in part	3.16
615.17	Cardrona Alpine Resort Limited	Accept in part	2.11
615.18	Cardrona Alpine Resort Limited	Accept in part	3.19
615.25	Cardrona Alpine Resort Limited	Accept in part	2.11
615.6	Cardrona Alpine Resort Limited	Reject	2.15
615.7	Cardrona Alpine Resort Limited	Accept in part	2.3
615.8	Cardrona Alpine Resort Limited	Accept in part	3.1
621.10	Real Journeys Limited	Accept in part	3.1
621.11	Real Journeys Limited	Reject	3.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
621.12	Real Journeys Limited	Accept in part	2.3
621.13	Real Journeys Limited	Accept in part	2.7
621.14	Real Journeys Limited	Reject	3.8
621.15	Real Journeys Limited	Reject	2.9
621.16	Real Journeys Limited	Accept in part	2.11
621.17	Real Journeys Limited	Accept in part	3.16
621.18	Real Journeys Limited	Accept in part	2.11
621.19	Real Journeys Limited	Accept in part	3.19
621.26	Real Journeys Limited	Accept in part	8.6
621.27	Real Journeys Limited		8.5
621.28	Real Journeys Limited	Accept in part	8.5
621.29	Real Journeys Limited	Reject	8.6
621.30	Real Journeys Limited	Accept	8.3
621.31	Real Journeys Limited	Reject	8.7
621.32	Real Journeys Limited	Reject	8.7
621.33	Real Journeys Limited	Reject	8.3
621.34	Real Journeys Limited	Accept	8.3
621.35	Real Journeys Limited	Accept in part	8.3
621.36	Real Journeys Limited	Accept in part	8.3
621.37	Real Journeys Limited	Reject	8.8
621.38	Real Journeys Limited	Reject	8.8
621.39	Real Journeys Limited	Reject	8.8
621.40	Real Journeys Limited	Reject	3.19
621.41	Real Journeys Limited	Accept in part	8.4
621.6	Real Journeys Limited	Reject	2.15
621.7	Real Journeys Limited	Accept in part	2.3
621.8	Real Journeys Limited	Accept in part	3.1
624.10	D & M Columb	Accept in part	3.1
624.11	D & M Columb	Accept in part	2.3
624.12	D & M Columb	Accept in part	2.11
624.13	D & M Columb	Accept in part	3.16
624.14	D & M Columb	Accept in part	2.11
624.15	D & M Columb	Accept in part	3.19
624.16	D & M Columb	Accept in part	8.6
624.17	D & M Columb	Accept	8.3
624.18	D & M Columb	Reject	8.7
624.19	D & M Columb	Reject	8.3
624.20	D & M Columb	Accept	8.3
624.21	D & M Columb	Reject	3.19
624.6	D & M Columb	Accept in Part	2.3, 3.1
624.7	D & M Columb	Accept in part	2.3
624.8	D & M Columb	Accept in part	3.1
625.10	Upper Clutha Track Trust	Reject	2.15
625.1	Upper Clutha Track Trust	Accept in part	2.9
625.11	Upper Clutha Track Trust	Reject	2.15
625.12	Upper Clutha Track Trust	Reject	8.4
625.2	Upper Clutha Track Trust	Accept in part	3.14
625.3	Upper Clutha Track Trust	Accept in part	2.12, 6.3, 6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
625.4	Upper Clutha Track Trust	Accept in part	3.20, 6.3, 6.4
625.6	Upper Clutha Track Trust	Reject	2.15
625.7	Upper Clutha Track Trust	Reject	2.15
625.8	Upper Clutha Track Trust	Reject	2.15
625.9	Upper Clutha Track Trust	Reject	2.15
632.2	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	2.10, 2.11, 3.16
632.3	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	8.3-8.8
633.2	Nick Flight	Accept in part	3.18
635.10	Aurora Energy Limited	Accept in part	2.3
635.11	Aurora Energy Limited	Accept in part	2.3
635.12	Aurora Energy Limited	Accept in part	2.5
635.13	Aurora Energy Limited	Accept in part	3.5, 6.3, 6.4
635.14	Aurora Energy Limited	Accept in part	3.7, 6.3, 6.4
635.15	Aurora Energy Limited	Accept in part	3.13
635.16	Aurora Energy Limited	Accept in part	2.10, 2.11, 3.16
635.17	Aurora Energy Limited	Accept in part	2.10, 2.11, 3.16
635.18	Aurora Energy Limited	Accept in part	2.5, 2.7
635.19	Aurora Energy Limited	Accept in Part	6.4
635.20	Aurora Energy Limited	Accept in Part	6.4
635.21	Aurora Energy Limited	Accept in Part	6.4
635.22	Aurora Energy Limited	Accept in Part	6.4
635.23	Aurora Energy Limited	Accept in Part	6.4
635.24	Aurora Energy Limited	Accept in Part	6.3, 6.5
635.25	Aurora Energy Limited	Accept in Part	6.3, 6.5
635.26	Aurora Energy Limited	Reject	6.5
635.27	Aurora Energy Limited	Reject	8.3
635.28	Aurora Energy Limited	Accept in part	8.6
635.29	Aurora Energy Limited	Accept in part	8.7
635.30	Aurora Energy Limited	Reject	8.7
635.31	Aurora Energy Limited	Accept in part	8.3
635.32	Aurora Energy Limited	Reject	8.8
636.3	Crown Range Holdings Ltd	Accept in part	2.10, 2.11, 3.16
636.4	Crown Range Holdings Ltd	Accept in part	8.3-8.8
640.1	John Wellington	Accept in part	2.9
640.2	John Wellington	Accept in part	3.14
640.3	John Wellington	Accept in part	2.12, 6.3, 6.4
640.4	John Wellington	Accept in part	3.20, 6.3, 6.4
643.2	Crown Range Enterprises	Accept in part	2.10, 2.11, 3.16
643.3	Crown Range Enterprises	Accept in part	2.11
643.4	Crown Range Enterprises	Accept in part	3.16
643.5	Crown Range Enterprises	Accept in part	2.3
643.6	Crown Range Enterprises	Accept in part	3.19

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
643.7	Crown Range Enterprises	Accept in part	3.19
643.8	Crown Range Enterprises	Accept in part	8.3-8.8
651.2	David & Vivki Caesar	Accept in Part	6.5
653.3	Winton Partners Funds Management No 2 Limited.	Accept in Part	5, 6.1-6.5
655.2	Bridesdale Farm Developments Limited	Accept in Part	6.1-6.5
661.1	Land Information New Zealand	Accept in Part	6.3
669.7	Cook Adam Trustees Limited, C & M Burgess	Accept in part	2.10, 2.11, 3.16
669.8	Cook Adam Trustees Limited, C & M Burgess	Accept in part	8.3-8.8
671.1	Queenstown Trails Trust	Reject	2.15
671.2	Queenstown Trails Trust	Reject	8.4
677.2	Amrta Land Ltd	Reject	2.15
677.3	Amrta Land Ltd	Accept in part	2.3
677.4	Amrta Land Ltd	Accept in part	3.1
677.6	Amrta Land Ltd	Reject	8.5
677.7	Amrta Land Ltd	Reject	3.19
688.2	Justin Crane and Kirsty Mactaggart	Accept in part	2.10, 2.11, 3.16
688.3	Justin Crane and Kirsty Mactaggart	Accept in part	2.10, 2.11, 3.16
688.4	Justin Crane and Kirsty Mactaggart	Accept in part	8.3-8.8
693.3	Private Property Limited	Accept in part	2.10, 2.11, 3.16
693.4	Private Property Limited	Accept in part	2.10, 2.11, 3.16
693.5	Private Property Limited	Reject	8
693.6	Private Property Limited	Accept in part	8.3-8.8
696.10	Millbrook Country Club Ltd	Accept	8.7
696.11	Millbrook Country Club Ltd	Reject	8.7
696.12	Millbrook Country Club Ltd	Accept in part	8.7
696.13	Millbrook Country Club Ltd	Reject	8.5
696.14	Millbrook Country Club Ltd	Reject	3.19
696.2	Millbrook Country Club Ltd	Accept in part	2.3
696.3	Millbrook Country Club Ltd	Accept in part	2.3
696.4	Millbrook Country Club Ltd	Accept in part	2.11
696.5	Millbrook Country Club Ltd	Accept in part	3.16
696.6	Millbrook Country Club Ltd	Accept in part	3.19
696.7	Millbrook Country Club Ltd	Accept in part	8.7
696.8	Millbrook Country Club Ltd	Reject	8.7
696.9	Millbrook Country Club Ltd	Accept	8.7
701.3	Paul Kane	Accept in part	2.9, 3.10
701.4	Paul Kane	Accept in part	2.9, 3.10
701.5	Paul Kane	Accept in part	3.19
702.1	Lake Wakatipu Stations Limited	Accept in part	2.10, 2.11, 3.16
702.2	Lake Wakatipu Stations Limited	Accept in part	2.10, 2.11, 3.16
702.3	Lake Wakatipu Stations Limited	Reject	8
702.4	Lake Wakatipu Stations Limited	Accept in part	8.3-8.8

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
706.10	Forest and Bird NZ	Reject	3.9
706.11	Forest and Bird NZ	Reject	2.9
706.12	Forest and Bird NZ	Accept in part	2.9, 3.10
706.13	Forest and Bird NZ	Accept in part	3.11
706.14	Forest and Bird NZ	Reject	2.9
706.15	Forest and Bird NZ	Reject	3.12
706.16	Forest and Bird NZ	Accept in part	2.9
706.17	Forest and Bird NZ	Accept in part	2.9
706.18	Forest and Bird NZ	Accept in part	3.14
706.19	Forest and Bird NZ	Reject	2.9
706.20	Forest and Bird NZ	Reject	3.15
706.6	Forest and Bird NZ	Accept in part	2.8
706.7	Forest and Bird NZ	Accept in part	2.9
706.8	Forest and Bird NZ	Reject	3.9
706.9	Forest and Bird NZ	Accept in part	3.9
707.1	Wanaka on Water	Accept in part	2.2, 2.3, 3.2
707.2	Wanaka on Water	Accept in part	2.2, 2.3, 3.2
707.3	Wanaka on Water	Accept in part	2.2, 2.3, 3.2
711.1	Richard Lawrie Hewitt	Reject	2.8
711.2	Richard Lawrie Hewitt	Reject	2.9
711.3	Richard Lawrie Hewitt	Reject	2.9
716.10	Ngai Tahu Tourism Ltd	Accept in part	2.7
716.11	Ngai Tahu Tourism Ltd	Reject	2.9
716.12	Ngai Tahu Tourism Ltd	Accept in part	2.11
716.13	Ngai Tahu Tourism Ltd	Accept in part	3.16
716.14	Ngai Tahu Tourism Ltd	Accept in part	2.11
716.15	Ngai Tahu Tourism Ltd	Accept in part	3.19
716.4	Ngai Tahu Tourism Ltd	Reject	2.15
716.5	Ngai Tahu Tourism Ltd	Accept in part	2.3
716.6	Ngai Tahu Tourism Ltd	Accept in part	3.1
716.8	Ngai Tahu Tourism Ltd	Reject	3.4
716.9	Ngai Tahu Tourism Ltd	Accept in part	2.3
719.10	NZ Transport Agency	Accept in part	3.5, 6.3, 6.4
719.11	NZ Transport Agency	Reject	3.15
719.12	NZ Transport Agency	Accept in Part	6.1
719.13	NZ Transport Agency	Accept in Part	6.4
719.14	NZ Transport Agency	Accept in Part	6.4
719.15	NZ Transport Agency	Accept in Part	6.3
719.16	NZ Transport Agency	Accept in Part	6.3
719.17	NZ Transport Agency	Accept in Part	6.3
719.18	NZ Transport Agency	Accept in Part	6.3
719.19	NZ Transport Agency	Accept in Part	6.3
719.20	NZ Transport Agency	Accept in Part	6.4
719.21	NZ Transport Agency	Accept in Part	6.4
719.22	NZ Transport Agency	Accept in Part	6.4
719.23	NZ Transport Agency	Accept in Part	6.3, 6.5
719.24	NZ Transport Agency	Accept in Part	6.3, 6.5
719.25	NZ Transport Agency	Reject	6.5
719.26	NZ Transport Agency	Accept in Part	6.5
719.27	NZ Transport Agency	Reject	6.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.28	NZ Transport Agency	Accept in part	8.5
719.29	NZ Transport Agency	Accept in part	8.7
719.30	NZ Transport Agency	Accept in part	8.7
719.4	NZ Transport Agency	Accept in Part	2.1
719.5	NZ Transport Agency	Accept in part	2.3
719.6	NZ Transport Agency	Accept in part	2.4
719.7	NZ Transport Agency	Accept in part	2.5
719.8	NZ Transport Agency	Accept in part	3.5
719.9	NZ Transport Agency	Accept	3.5
725.1	Ian Percy & Fiona Aitken Family Trust	Accept in part	2.3
726.1	Upper Clutha Transport	Accept in part	2.3
726.2	Upper Clutha Transport	Accept in part	3.3
751.7	Hansen Family Partnership	Accept in Part	6.4
755.10	Guardians of Lake Wanaka	Accept in part	8.3
755.11	Guardians of Lake Wanaka	Accept	8.8
755.12	Guardians of Lake Wanaka	Accept in part	8.4
755.13	Guardians of Lake Wanaka	Reject	8.7
755.3	Guardians of Lake Wanaka	Accept in Part	2.1
755.4	Guardians of Lake Wanaka	Accept in part	2.9
755.5	Guardians of Lake Wanaka	Accept in part	2.9
755.6	Guardians of Lake Wanaka	Accept in part	2.9
755.7	Guardians of Lake Wanaka	Accept in part	3.12
755.8	Guardians of Lake Wanaka	Accept in part	3.13
755.9	Guardians of Lake Wanaka	Accept in part	8.2
761.1	ORFEL Ltd	Accept	2.3
761.10	ORFEL Ltd	Reject	8.3
761.11	ORFEL Ltd	Accept	8.7
761.12	ORFEL Ltd	Accept in part	8.7
761.13	ORFEL Ltd	Accept in part	8.7
761.14	ORFEL Ltd	Accept in part	8.7
761.15	ORFEL Ltd	Accept in part	8.3
761.16	ORFEL Ltd	Accept in part	8.7
761.17	ORFEL Ltd	Accept in part	8.7
761.18	ORFEL Ltd	Reject	8.3
761.2	ORFEL Ltd	Accept in part	2.11
761.3	ORFEL Ltd	Accept in part	2.11
761.35	ORFEL Ltd	Accept in part	2.3
761.36	ORFEL Ltd	Accept in part	2.3
761.4	ORFEL Ltd	Accept in part	2.11
761.5	ORFEL Ltd	Reject	8.3
761.6	ORFEL Ltd	Reject	8.4
761.7	ORFEL Ltd	Accept in part	8.7
761.8	ORFEL Ltd	Reject	8.5
761.9	ORFEL Ltd	Accept	8.7
766.14	Queenstown Wharves GP Limited	Accept	8.3
766.15	Queenstown Wharves GP Limited	Reject	8.8
766.16	Queenstown Wharves GP Limited	Reject	8.8
766.17	Queenstown Wharves GP Limited	Reject	8.8
768.10	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3, 8.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
768.11	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.12	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.13	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.14	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.15	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	8.3
768.16	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	8.5
768.5	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	3.3
768.6	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	2.9
768.7	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	3.13
768.8	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	8.3
768.9	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3, 8.6,
771.4	Hawea Community Association	Accept	3.5
771.5	Hawea Community Association	Accept	6.4
773.1	John & Jill Blennerhassett	Accept in part	Part B
773.2	John & Jill Blennerhassett	Accept in Part	6.3
781.34	Chorus New Zealand Limited	Accept in Part	2,3,18
784.24	Jeremy Bell Investments Limited	Accept in part	2.3
784.25	Jeremy Bell Investments Limited	Accept in part	3.19
784.26	Jeremy Bell Investments Limited	Accept in part	3.19
784.3	Jeremy Bell Investments Limited	Accept in part	2.9, 3.10
784.4	Jeremy Bell Investments Limited	Accept in part	2.9, 3.11
791.4	Tim Burdon	Accept in part	2.3
791.5	Tim Burdon	Accept in part	2.3
791.6	Tim Burdon	Accept in part	3.19
791.7	Tim Burdon	Accept in part	3.19
791.8	Tim Burdon	Reject	8.7
791.9	Tim Burdon	Accept	8.6
794.4	Lakes Land Care	Accept in part	2.3
794.5	Lakes Land Care	Accept in part	2.3
794.6	Lakes Land Care	Accept in part	3.19
794.7	Lakes Land Care	Accept in part	3.19
794.8	Lakes Land Care	Reject	8.7
794.9	Lakes Land Care	Accept	8.6
795.1	Noel Williams	Accept in Part	6.5
798.1	Otago Regional Council	Accept in part	8.6
798.21	Otago Regional Council	Accept in Part	Part B
798.23	Otago Regional Council	Accept in part	2.5
798.24	Otago Regional Council	Accept in part	3.15
798.25	Otago Regional Council	Accept in part	2.5
798.27	Otago Regional Council	Accept in Part	6.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
798.28	Otago Regional Council	Accept in Part	6.3, 6.5
798.30	Otago Regional Council	Accept in part	2.5, 2.12
798.53	Otago Regional Council	Accept in Part	6.3, 6.5
805.22	Transpower New Zealand Limited	Accept in part	2.3
805.23	Transpower New Zealand Limited	Accept in part	2.5
805.24	Transpower New Zealand Limited	Accept in part	3.5, 6.3, 6.4
805.25	Transpower New Zealand Limited	Accept in part	3.9
805.26	Transpower New Zealand Limited	Accept in part	3.13
805.27	Transpower New Zealand Limited	Accept in part	2.11
805.28	Transpower New Zealand Limited	Accept in part	3.16
805.29	Transpower New Zealand Limited	Accept in part	2.11
805.30	Transpower New Zealand Limited	Accept in part	3.16
805.31	Transpower New Zealand Limited	Accept in part	6.4
805.32	Transpower New Zealand Limited	Accept in Part	6.1
805.33	Transpower New Zealand Limited	Accept in Part	6.4
805.34	Transpower New Zealand Limited	Accept in Part	6.4
805.35	Transpower New Zealand Limited	Accept in Part	6.4
805.36	Transpower New Zealand Limited	Accept in Part	6.4
805.37	Transpower New Zealand Limited	Accept in Part	6.4
805.38	Transpower New Zealand Limited	Accept in Part	6.3, 6.5
805.40	Transpower New Zealand Limited	Reject	8.2
805.41	Transpower New Zealand Limited	Accept in part	8.6
805.42	Transpower New Zealand Limited	Accept in part	8.7
805.43	Transpower New Zealand Limited	Reject	8.6
805.44	Transpower New Zealand Limited	Accept in part	8.7
805.45	Transpower New Zealand Limited	Accept in part	8.7
806.10	Queenstown Park Limited	Accept in part	2.3
806.11	Queenstown Park Limited	Accept in part	3.2
806.12	Queenstown Park Limited	Accept in part	3.2
806.13	Queenstown Park Limited	Accept in part	3.1
806.14	Queenstown Park Limited	Accept in part	2.3
806.15	Queenstown Park Limited	Accept in part	3.3
806.16	Queenstown Park Limited	Accept in part	3.3
806.17	Queenstown Park Limited	Accept in part	3.3
806.18	Queenstown Park Limited	Accept in part	2.3
806.19	Queenstown Park Limited	Reject	3.4
806.20	Queenstown Park Limited	Accept in part	3.4
806.21	Queenstown Park Limited	Accept in part	2.3
806.22	Queenstown Park Limited	Accept in part	2.3
806.23	Queenstown Park Limited	Accept in part	2.4, 2.5, 3.5
806.24	Queenstown Park Limited	Accept in part	2.5
806.25	Queenstown Park Limited	Reject	3.5
806.26	Queenstown Park Limited	Reject	3.5
806.27	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.28	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.29	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.30	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.31	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.32	Queenstown Park Limited	Accept in part	2.5, 3.8
806.33	Queenstown Park Limited	Accept in part	2.7, 3.8

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
806.34	Queenstown Park Limited	Accept in part	2.8, 2.9, 3.9-3.13
806.35	Queenstown Park Limited	Accept in part	2.9, 3.14
806.36	Queenstown Park Limited	Accept in part	2.9, 3.15
806.37	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
806.38	Queenstown Park Limited	Accept in part	2.11
806.39	Queenstown Park Limited	Accept in part	3.5, 3.17
806.40	Queenstown Park Limited	Accept in part	2.11, 3.18
806.41	Queenstown Park Limited	Accept in part	3.18
806.42	Queenstown Park Limited	Accept in part	2.3, 3.19
806.43	Queenstown Park Limited	Accept in part	2.5, 2.12, 3.20
806.44	Queenstown Park Limited	Accept in part	2.5, 2.12
806.45	Queenstown Park Limited	Accept in part	2.5, 2.12, 3.20, 6.3, 6.4
806.46	Queenstown Park Limited	Accept in part	2.12, 6.3, 6.4
806.48	Queenstown Park Limited	Accept in Part	6.3, 6.4
806.55	Queenstown Park Limited	Accept in part	8.6-8.7
806.56	Queenstown Park Limited	Accept	8.3
806.57	Queenstown Park Limited	Accept in part	8.4
806.58	Queenstown Park Limited	Accept in part	8.4
806.59	Queenstown Park Limited	Accept in part	8.6, 8.7
806.60	Queenstown Park Limited	Accept in part	8.6, 8.7
806.61	Queenstown Park Limited	Reject	8.5
806.62	Queenstown Park Limited	Reject	8.7
806.63	Queenstown Park Limited	Reject	6.3
806.64	Queenstown Park Limited	Reject	8.5
806.65	Queenstown Park Limited	Reject	8.5
806.66	Queenstown Park Limited	Accept	8.7
806.67	Queenstown Park Limited	Reject	8.6
806.68	Queenstown Park Limited	Accept in part	8.3
806.69	Queenstown Park Limited	Accept in part	8.7
806.70	Queenstown Park Limited	Reject	8.6
806.71	Queenstown Park Limited	Reject	8.5
806.72	Queenstown Park Limited	Reject	8.3
806.73	Queenstown Park Limited	Accept in part	8.7
806.74	Queenstown Park Limited	Reject	8.6
806.75	Queenstown Park Limited	Reject	8.7
806.76	Queenstown Park Limited	Reject	8.6
806.77	Queenstown Park Limited	Reject	8.3
806.78	Queenstown Park Limited	Accept	8.7
806.79	Queenstown Park Limited	Accept in part	8.7
806.8	Queenstown Park Limited	Accept in Part	1.9
806.80	Queenstown Park Limited	Reject	8.7
806.81	Queenstown Park Limited	Accept in part	8.5
806.82	Queenstown Park Limited	Accept in part	8.7
806.83	Queenstown Park Limited	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
806.84	Queenstown Park Limited	Accept	8.3
806.85	Queenstown Park Limited	Reject	8.8
806.86	Queenstown Park Limited	Reject	8.8
806.87	Queenstown Park Limited	Reject	8.8
806.88	Queenstown Park Limited	Reject	8.3
806.89	Queenstown Park Limited	Reject	8.5
806.9	Queenstown Park Limited	Accept in part	2, 2.2
806.90	Queenstown Park Limited	Reject	8.3
806.91	Queenstown Park Limited	Reject	8.3
806.92	Queenstown Park Limited	Reject	3.19
806.93	Queenstown Park Limited	Reject	8.4
807.10	Remarkables Park Limited	Accept in Part	2.3, 3.2
807.30	Remarkables Park Limited	Accept in Part	2.3
807.31	Remarkables Park Limited	Accept in part	Part B
807.32	Remarkables Park Limited	Accept in part	2
807.33	Remarkables Park Limited	Accept in part	2.3
807.34	Remarkables Park Limited	Accept in part	2.3
807.35	Remarkables Park Limited	Accept	2.3
807.36	Remarkables Park Limited	Accept in part	2.3
807.37	Remarkables Park Limited	Accept in part	2.3
807.38	Remarkables Park Limited	Accept	2.3
807.39	Remarkables Park Limited	Accept in part	2.3
807.40	Remarkables Park Limited	Reject	3.4
807.41	Remarkables Park Limited	Accept in part	2.3
807.42	Remarkables Park Limited	Accept in part	2.3
807.43	Remarkables Park Limited	Reject	3.5
807.44	Remarkables Park Limited	Accept in part	2.5
807.45	Remarkables Park Limited	Accept in part	3.5
807.46	Remarkables Park Limited	Reject	3.5
807.47	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.48	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.49	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.50	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.51	Remarkables Park Limited	Accept in part	2.5- 2.7, 3.8
807.52	Remarkables Park Limited	Accept in part	2.8, 2.9. 3.9-3.13
807.53	Remarkables Park Limited	Accept in part	3.13
807.54	Remarkables Park Limited	Accept in part	2.9, 3.14
807.55	Remarkables Park Limited	Accept in part	2.9, 3.15
807.56	Remarkables Park Limited	Accept in part	2.10, 2.11, 3.16
807.57	Remarkables Park Limited	Accept in part	2.11, 3.16
807.58	Remarkables Park Limited	Accept in part	2.11
807.59	Remarkables Park Limited	Accept in part	2.11, 3.18
807.60	Remarkables Park Limited	Accept in part	2.3, 3.19
807.6	Remarkables Park Limited	Reject	6.3
807.61	Remarkables Park Limited	Accept in part	2.5, 2.12, 3.20
807.63	Remarkables Park Limited	Accept in Part	5, 6.3-6.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
807.64	Remarkables Park Limited	Accept in Part	2.3, 3.2, 6.3, 6.4
807.65	Remarkables Park Limited	Reject	6.3
807.66	Remarkables Park Limited	Accept in Part	6.4
807.67	Remarkables Park Limited	Accept in Part	6.4
807.68	Remarkables Park Limited	Accept in Part	6.4
807.69	Remarkables Park Limited	Accept in Part	6.4
807.70	Remarkables Park Limited	Accept in Part	6.4
807.71	Remarkables Park Limited	Accept in Part	6.4
807.72	Remarkables Park Limited	Accept in Part	6.5
807.74	Remarkables Park Limited	Reject	8.6
807.75	Remarkables Park Limited	Accept in part	8.3, 8.6, 8.7
807.9	Remarkables Park Limited	Accept in Part	2.3
808.1	Shotover Park Limited	Reject	2
808.2	Shotover Park Limited	Accept in Part	2.3, 3.2, 3.3
808.3	Shotover Park Limited	Accept in Part	2.3, 3.2, 3.3
809.1	Queenstown Lakes District Council	Accept in part	2.11
809.2	Queenstown Lakes District Council	Accept in Part	6.4
809.3	Queenstown Lakes District Council	Reject	8.7
809.4	Queenstown Lakes District Council	Accept in part	8.3
810.10	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in Part	6.3, 6.5
810.11	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	6.5
810.29	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in part	8.6
810.3	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.1
810.30	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.1, 8.8
810.31	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	3.19
810.4	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.1
810.5	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o	Reject	3.8

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
	Otakou and Hokonui Runanga collectively Manawhenua		
810.6	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in part	2.8
810.7	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.11
810.9	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in Part	6.3
836.15	Arcadian Triangle Limited	Accept in Part	2.8, 3.14
836.16	Arcadian Triangle Limited	Accept in Part	6.3
836.17	Arcadian Triangle Limited	Accept in Part	6.4
836.18	Arcadian Triangle Limited	Accept in part	8.7
836.22	Arcadian Triangle Limited	Accept in part	8.4
842.4	Scott Crawford	Accept in Part	5, 6.1-6.5
854.4	Slopehill Properties Limited	Reject	2.15

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1004.6	513.1	Elizabeth & Murray Hanan	Accept in part	2.3
FS1004.8	10.1	Elizabeth & Murray Hanan	Accept in part	3.5
FS1012.16	69.2	Willowridge Developments Limited	Accept	6.5
FS1012.17	69.3	Willowridge Developments Limited	Accept in Part	6.5
FS1012.47	502.1	Willowridge Developments Limited	Accept in part	2.11
FS1012.48	502.2	Willowridge Developments Limited	Accept in part	2.11
FS1012.49	502.3	Willowridge Developments Limited	Accept in part	8.6
FS1012.50	502.4	Willowridge Developments Limited	Reject	8.7
FS1012.57	806.10	Willowridge Developments Limited	Accept in part	2.3
FS1012.58	806.11	Willowridge Developments Limited	Accept in part	3.2
FS1012.59	806.12	Willowridge Developments Limited	Accept in part	3.2
FS1013.4	725.1	Orchard Road Holdings Limited	Accept in part	2.3
FS1015.101	608.37	Straterra	Accept in part	8.2
FS1015.102	608.49	Straterra	Accept	8.6
FS1015.103	608.50	Straterra	Accept	8.3
FS1015.104	671.1	Straterra	Accept	2.15
FS1015.105	677.4	Straterra	Accept in part	3.1
FS1015.107	706.9	Straterra	Accept in part	3.9
FS1015.108	706.14	Straterra	Accept	2.9
FS1015.125	761.2	Straterra	Accept in part	2.11
FS1015.126	761.10	Straterra	Accept in part	8.3
FS1015.127	761.12	Straterra	Accept in part	8.7
FS1015.128	761.15	Straterra	Accept in part	8.3
FS1015.129	761.16	Straterra	Accept in part	8.7
FS1015.130	761.17	Straterra	Accept in part	8.7
FS1015.131	761.18	Straterra	Reject	8.3
FS1015.135	768.15	Straterra	Accept in part	8.3
FS1015.2	339.17	Straterra	Accept in part	3.9
FS1015.21	373.6	Straterra	Accept in part	3.9
FS1015.22	373.11	Straterra	Accept in part	8.4, 8.6
FS1015.3	339.23	Straterra	Reject	1.7, 3.12
FS1015.30	375.3	Straterra	Accept in part	3.16
FS1015.31	375.10	Straterra	Accept in part	8.6
FS1015.32	375.11	Straterra	Reject	8.6
FS1015.33	375.14	Straterra	Accept in part	8.7
FS1015.44	519.8	Straterra	Accept in part	3.18
FS1015.45	519.9	Straterra	Accept in part	2.3
FS1015.46	519.10	Straterra	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.47	519.11	Straterra	Accept in part	3.9
FS1015.48	519.12	Straterra	Reject	2.9
FS1015.49	519.13	Straterra	Reject	3.14
FS1015.50	519.14	Straterra	Accept in part	3.15
FS1015.51	519.15	Straterra	Accept in part	2.11
FS1015.52	519.16	Straterra	Accept in part	3.16
FS1015.53	519.17	Straterra	Accept in part	3.16
FS1015.54	519.18	Straterra	Accept in part	2.11
FS1015.55	519.19	Straterra	Accept in part	3.16
FS1015.56	519.20	Straterra	Accept in part	2.11, 3.18
FS1015.57	519.21	Straterra	Accept in part	3.18
FS1015.59	519.23	Straterra	Accept in part	8.6
FS1015.60	519.24	Straterra	Reject	8.7
FS1015.61	519.25	Straterra	Accept in part	8.3
FS1015.62	519.26	Straterra	Accept in part	8.5
FS1015.63	519.27	Straterra	Reject	8.3
FS1015.64	519.28	Straterra	Accept in part	8.7
FS1015.65	519.29	Straterra	Reject	8.6
FS1015.66	519.30	Straterra	Accept in part	8.3
FS1015.67	519.31	Straterra	Accept	8.5
FS1015.68	519.32	Straterra	Reject	8.5
FS1029.31	221.1	Universal Developments Limited	Accept in part	2.10
FS1029.34	423.1	Universal Developments Limited	Accept in part	2.10
FS1034.11	600.11	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.12	600.12	Upper Clutha Environmental Society (Inc.)	Accept in part	2.2
FS1034.13	600.13	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.14	600.14	Upper Clutha Environmental Society (Inc.)	Accept in part	2.4, 2.5
FS1034.15	600.15	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.159	608.1	Upper Clutha Environmental Society (Inc.)	Accept in part	2
FS1034.16	600.16	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.160	608.2	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.161	608.3	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3, 3.2, 3.18
FS1034.162	608.4	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.163	608.5	Upper Clutha Environmental Society (Inc.)	Accept in part	3.3
FS1034.164	608.6	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.165	608.7	Upper Clutha Environmental Society (Inc.)	Reject	3.4
FS1034.166	608.8	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.167	608.9	Upper Clutha Environmental Society (Inc.)	Accept in part	2.5
FS1034.168	608.10	Upper Clutha Environmental Society (Inc.)	Accept	3.5
FS1034.169	608.11	Upper Clutha Environmental Society (Inc.)	Accept	3.5
FS1034.17	600.17	Upper Clutha Environmental Society (Inc.)	Accept in part	3.9
FS1034.170	608.12	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 6.3, 6.4
FS1034.171	608.13	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 6.3, 6.4
FS1034.172	608.14	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 6.3, 6.4
FS1034.173	608.15	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.174	608.16	Upper Clutha Environmental Society (Inc.)	Accept in part	3.11
FS1034.175	608.17	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.176	608.18	Upper Clutha Environmental Society (Inc.)	Accept in part	3.16
FS1034.177	608.19	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.178	608.20	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 3.17
FS1034.179	608.21	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.18	600.18	Upper Clutha Environmental Society (Inc.)	Accept in part	3.9
FS1034.180	608.22	Upper Clutha Environmental Society (Inc.)	Accept in part	3.19
FS1034.181	608.23	Upper Clutha Environmental Society (Inc.)	Accept in part	2.5, 2.12
FS1034.182	608.24	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.183	608.25	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.184	608.26	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3
FS1034.185	608.27	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3
FS1034.186	608.28	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3
FS1034.187	608.29	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.188	608.30	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.189	608.31	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.5
FS1034.19	600.19	Upper Clutha Environmental Society (Inc.)	Accept	2.9
FS1034.190	608.32	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3, 6.5
FS1034.191	608.33	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3, 6.5
FS1034.192	608.34	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.5
FS1034.193	608.35	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.5
FS1034.194	608.36	Upper Clutha Environmental Society (Inc.)	Reject	6.5
FS1034.195	608.37	Upper Clutha Environmental Society (Inc.)	Accept in part	8.2
FS1034.196	608.38	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.197	608.39	Upper Clutha Environmental Society (Inc.)	Accept in part	8.7
FS1034.198	608.40	Upper Clutha Environmental Society (Inc.)	Reject	8.7
FS1034.199	608.41	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.20	600.20	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9, 3.10
FS1034.200	608.42	Upper Clutha Environmental Society (Inc.)	Accept in part	8.3
FS1034.201	608.43	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.202	608.44	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.203	608.45	Upper Clutha Environmental Society (Inc.)	Accept in part	8.7
FS1034.204	608.46	Upper Clutha Environmental Society (Inc.)	Accept in part	8.7
FS1034.205	608.47	Upper Clutha Environmental Society (Inc.)	Reject	8.7
FS1034.206	608.48	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.207	608.49	Upper Clutha Environmental Society (Inc.)	Accept	8.6
FS1034.208	608.50	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.209	608.51	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.21	600.21	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.210	608.52	Upper Clutha Environmental Society (Inc.)	Reject	3.19
FS1034.211	608.53	Upper Clutha Environmental Society (Inc.)	Accept in part	8.4
FS1034.22	600.22	Upper Clutha Environmental Society (Inc.)	Accept in part	3.11
FS1034.23	600.23	Upper Clutha Environmental Society (Inc.)	Accept in part	3.12
FS1034.232	608.74	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.24	600.24	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.25	600.25	Upper Clutha Environmental Society (Inc.)	Accept	3.13
FS1034.26	600.26	Upper Clutha Environmental Society (Inc.)	Accept	2.9
FS1034.27	600.27	Upper Clutha Environmental Society (Inc.)	Accept in part	3.14
FS1034.28	600.28	Upper Clutha Environmental Society (Inc.)	Accept in part	2.10
FS1034.29	600.29	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.30	600.30	Upper Clutha Environmental Society (Inc.)	Accept in part	3.16
FS1034.31	600.31	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.32	600.32	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.33	600.33	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.34	600.34	Upper Clutha Environmental Society (Inc.)	Accept in part	3.18
FS1034.35	600.35	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.36	600.36	Upper Clutha Environmental Society (Inc.)	Accept in part	3.19
FS1034.37	600.37	Upper Clutha Environmental Society (Inc.)	Accept in part	3.19
FS1034.39	600.39	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.42	600.42	Upper Clutha Environmental Society (Inc.)	Accept in part	8.2
FS1034.43	600.43	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.44	600.44	Upper Clutha Environmental Society (Inc.)	Accept	8.5
FS1034.45	600.45	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.46	600.46	Upper Clutha Environmental Society (Inc.)	Accept in part	8.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.47	600.47	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.48	600.48	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.49	600.49	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.50	600.50	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.51	600.51	Upper Clutha Environmental Society (Inc.)	Reject	8.6
FS1034.52	600.52	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.53	600.53	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.54	600.54	Upper Clutha Environmental Society (Inc.)	Reject	8.5
FS1035.2	677.2	Mark Crook	Accept	2.15
FS1035.3	677.3	Mark Crook	Accept in part	2.3
FS1035.4	677.4	Mark Crook	Accept in part	3.1
FS1040.2	251.3	Forest and Bird	Accept in part	2.3
FS1040.29	580.6	Forest and Bird	Accept	8.8
FS1040.31	598.3	Forest and Bird	Accept in part	2.3
FS1040.32	598.6	Forest and Bird	Accept	2.9
FS1040.33	598.7	Forest and Bird	Accept in part	3.9
FS1040.34	598.11	Forest and Bird	Accept in part	3.13
FS1040.35	598.12	Forest and Bird	Accept in part	2.9
FS1040.42	600.13	Forest and Bird	Accept in part	2.3
FS1040.43	600.16	Forest and Bird	Accept in part	2.9
FS1040.44	600.17	Forest and Bird	Accept in part	3.9
FS1040.45	600.20	Forest and Bird	Accept in part	2.9, 3.10
FS1040.46	600.21	Forest and Bird	Accept in part	2.9
FS1040.47	600.22	Forest and Bird	Accept in part	3.11
FS1040.48	600.24	Forest and Bird	Accept in part	2.9
FS1040.49	600.45	Forest and Bird	Reject	8.7
FS1040.6	373.5	Forest and Bird	Reject	3.9
FS1040.7	373.6	Forest and Bird	Accept in part	3.9
FS1043.5	217.3	Grand Lakes Management Limited	Accept in part	2.8
FS1049.1	378.1	LAC Property Trustees Limited	Accept in part	2.4
FS1049.10	378.10	LAC Property Trustees Limited	Accept in Part	6.4
FS1049.11	378.11	LAC Property Trustees Limited	Accept in Part	6.4
FS1049.12	378.12	LAC Property Trustees Limited	Accept in Part	6.4
FS1049.13	378.13	LAC Property Trustees Limited	Accept in Part	6.5
FS1049.14	378.14	LAC Property Trustees Limited	Accept in part	8.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1049.15	378.15	LAC Property Trustees Limited	Accept in part	6.3
FS1049.16	378.16	LAC Property Trustees Limited	Accept	8.7
FS1049.17	378.17	LAC Property Trustees Limited	Accept	8.3
FS1049.18	378.18	LAC Property Trustees Limited	Accept	8.7
FS1049.19	378.19	LAC Property Trustees Limited	Accept in part	8.7
FS1049.2	378.2	LAC Property Trustees Limited	Accept in part	2.9, 3.9
FS1049.20	378.20	LAC Property Trustees Limited	Accept in part	8.7
FS1049.21	378.21	LAC Property Trustees Limited	Reject	8.7
FS1049.22	378.22	LAC Property Trustees Limited	Accept	8.3
FS1049.3	378.3	LAC Property Trustees Limited	Accept in part	2.9, 3.10
FS1049.32	378.32	LAC Property Trustees Limited	Accept in Part	6.1-6.5
FS1049.33	378.33	LAC Property Trustees Limited	Accept in part	8.1-8.8
FS1049.4	378.4	LAC Property Trustees Limited	Accept in part	2.9
FS1049.5	378.5	LAC Property Trustees Limited	Accept in part	2.11
FS1049.6	378.6	LAC Property Trustees Limited	Accept in part	2.11
FS1049.7	378.7	LAC Property Trustees Limited	Accept in part	2.5, 2.12
FS1050.23	430.3	Jan Andersson	Accept in part	2.3, 2.11, 3.16
FS1050.25	430.5	Jan Andersson	Accept in part	8.3-8.4, 8.6-8.7
FS1050.26	430.6	Jan Andersson	Accept in part	8.3, 8.7
FS1050.27	430.7	Jan Andersson	Accept in part	8.3, 8.7
FS1059.42	469.1	Erna Spijkerbosch	Accept in part	2.12
FS1059.73	289.5	Erna Spijkerbosch	Accept in part	3.5, 6.3, 6.4
FS1061.22	751.7	Otago Foundation Trust Board	Accept in Part	6.4
FS1061.26	265.1	Otago Foundation Trust Board	Accept in part	2.10
FS1061.29	423.1	Otago Foundation Trust Board	Accept in part	2.10
FS1061.3	221.1	Otago Foundation Trust Board	Accept in part	2.10
FS1061.35	524.5	Otago Foundation Trust Board	Accept in part	3.5, 6.3, 6.4
FS1061.36	524.6	Otago Foundation Trust Board	Accept in part	3.5, 6.3, 6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1061.37	524.12	Otago Foundation Trust Board	Reject	6.5
FS1061.38	524.13	Otago Foundation Trust Board	Reject	6.5
FS1064.2	655.2	Martin MacDonald	Accept in Part	6.1
FS1068.1	535.1	Keri & Roland Lemaire-Sicre	Accept in part	2.3
FS1068.2	535.2	Keri & Roland Lemaire-Sicre	Accept in part	2.11
FS1068.3	535.3	Keri & Roland Lemaire-Sicre	Accept in part	3.16
FS1068.4	535.4	Keri & Roland Lemaire-Sicre	Accept in part	3.16
FS1068.5	535.5	Keri & Roland Lemaire-Sicre	Accept in part	2.11
FS1068.6	535.6	Keri & Roland Lemaire-Sicre	Accept in part	2.3
FS1068.7	535.7	Keri & Roland Lemaire-Sicre	Accept in part	3.19
FS1068.8	535.8	Keri & Roland Lemaire-Sicre	Accept in part	3.19
FS1068.9	535.9	Keri & Roland Lemaire-Sicre	Accept in part	2.5, 2.12
FS1071.105	414.2	Lake Hayes Estate Community Association	Accept	6.3
FS1071.14	535.1	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.15	535.2	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.16	535.3	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.17	535.4	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.18	535.5	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.19	535.6	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.20	535.7	Lake Hayes Estate Community Association	Accept in part	3.19
FS1071.21	535.8	Lake Hayes Estate Community Association	Accept in part	3.19
FS1071.22	535.9	Lake Hayes Estate Community Association	Accept in part	2.5, 2.12
FS1071.3	655.2	Lake Hayes Estate Community Association	Accept in Part	6.1
FS1071.59	532.1	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.60	532.2	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.61	532.3	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.62	532.4	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.63	532.5	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.64	532.6	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.65	532.7	Lake Hayes Estate Community Association	Accept in part	3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1071.66	532.8	Lake Hayes Estate Community Association	Accept in part	3.19
FS1071.67	532.9	Lake Hayes Estate Community Association	Accept in part	2.5, 2.12
FS1074.2	677.2	Alistair Angus	Accept	2.15
FS1074.3	677.3	Alistair Angus	Accept in part	2.3
FS1074.4	677.4	Alistair Angus	Accept in part	3.1
FS1077.11	238.39	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
FS1077.19	433.37	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1077.20	433.38	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.10, 2.11, 3.16
FS1077.21	433.39	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1077.22	433.40	Board of Airline Representatives of New Zealand (BARNZ)	Reject	6.1
FS1077.23	433.41	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
FS1077.24	433.42	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
FS1077.25	433.43	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.5
FS1077.26	433.44	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
FS1077.27	433.45	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.5
FS1077.28	433.46	Board of Airline Representatives of New Zealand (BARNZ)	Reject	8.2
FS1077.29	433.47	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.6-8.7
FS1077.30	433.48	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.6
FS1077.31	433.49	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1077.32	433.50	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.7
FS1077.63	751.7	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
FS1077.66	806.21	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1077.69	807.42	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1080.1	600.16	Director General of Conservation	Accept in part	2.9
FS1082.20	430.3	J and R Hadley	Accept in part	2.3, 2.11, 3.16
FS1084.4	430.3	Wendy Clarke	Accept in part	2.3, 2.11, 3.16
FS1084.5	430.4	Wendy Clarke	Accept in part	8.2
FS1084.6	430.5	Wendy Clarke	Accept in part	8.3-8.4, 8.6-8.7
FS1084.7	430.6	Wendy Clarke	Accept in part	8.3, 8.7
FS1084.8	430.7	Wendy Clarke	Accept in part	8.3, 8.7
FS1085.1	519.29	Contact Energy Limited	Reject	8.6
FS1085.10	221.1	Contact Energy Limited	Accept in part	2.10
FS1085.15	423.1	Contact Energy Limited	Accept in part	2.10
FS1085.2	598.33	Contact Energy Limited	Reject	8.6
FS1085.3	806.76	Contact Energy Limited	Reject	8.6
FS1085.4	325.15	Contact Energy Limited	Accept in part	8.6
FS1085.7	836.22	Contact Energy Limited	Accept in part	8.4
FS1086.6	430.3	J Hadley	Accept in part	2.3, 2.11, 3.16
FS1087.4	430.3	Robyn Hart	Accept in part	2.3, 2.11, 3.16
FS1087.5	430.4	Robyn Hart	Accept in part	8.2
FS1087.6	430.5	Robyn Hart	Accept in part	8.3-8.4, 8.6-8.7
FS1087.7	430.6	Robyn Hart	Accept in part	8.3, 8.7
FS1087.8	430.7	Robyn Hart	Accept in part	8.3, 8.7
FS1089.22	430.3	Mark McGuiness	Accept in part	2.3, 2.11, 3.16
FS1091.14	598.20	Jeremy Bell Investments Limited	Accept in part	2.3
FS1091.17	600.22	Jeremy Bell Investments Limited	Accept in part	3.11
FS1091.18	600.35	Jeremy Bell Investments Limited	Accept in part	2.3
FS1091.2	373.9	Jeremy Bell Investments Limited	Accept in part	2.9
FS1091.23	696.6	Jeremy Bell Investments Limited	Accept in part	3.19
FS1091.3	373.10	Jeremy Bell Investments Limited	Accept in part	3.11
FS1091.31	806.42	Jeremy Bell Investments Limited	Accept in part	2.3, 3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1092.12	433.39	NZ Transport Agency	Accept in part	2.3
FS1092.13	433.48	NZ Transport Agency	Accept in part	8.6
FS1092.14	433.49	NZ Transport Agency	Accept in part	8.6
FS1092.15	433.50	NZ Transport Agency	Accept in part	8.7
FS1092.17	471.1	NZ Transport Agency	Accept in part	2.4
FS1092.29	805.23	NZ Transport Agency	Accept in part	2.5
FS1092.3	251.1	NZ Transport Agency	Accept in part	2.3, 3.18
FS1092.30	805.24	NZ Transport Agency	Accept in part	3.5, 6.3, 6.4
FS1092.4	251.4	NZ Transport Agency	Reject	8.2
FS1092.5	251.5	NZ Transport Agency	Accept in part	8.6, 8.7
FS1092.6	251.6	NZ Transport Agency	Reject	8.4
FS1095.1	378.1	Nick Brasington	Accept in part	2.4
FS1095.10	378.10	Nick Brasington	Accept in Part	6.4
FS1095.11	378.11	Nick Brasington	Accept in Part	6.4
FS1095.12	378.12	Nick Brasington	Accept in Part	6.4
FS1095.13	378.13	Nick Brasington	Accept in Part	6.5
FS1095.2	378.2	Nick Brasington	Accept in part	2.9, 3.9
FS1095.3	378.3	Nick Brasington	Accept in part	2.9, 3.10
FS1095.32	378.32	Nick Brasington	Accept in Part	6.1-6.5
FS1095.4	378.4	Nick Brasington	Accept in part	2.9
FS1095.5	378.5	Nick Brasington	Accept in part	2.11
FS1095.6	378.6	Nick Brasington	Accept in part	2.11
FS1095.7	378.7	Nick Brasington	Accept in part	2.5, 2.12
FS1097.10	20.5	Queenstown Park Limited	Accept in Part	6.1-6.5
FS1097.102	257.2	Queenstown Park Limited	Reject	6.3
FS1097.103	265.1	Queenstown Park Limited	Accept in part	2.10
FS1097.106	271.3	Queenstown Park Limited	Accept in part	2.3
FS1097.107	271.4	Queenstown Park Limited	Accept in part	2.5
FS1097.108	271.5	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
FS1097.109	271.6	Queenstown Park Limited	Accept in Part	6.4
FS1097.110	271.7	Queenstown Park Limited	Accept in Part	6.4
FS1097.111	271.8	Queenstown Park Limited	Accept in Part	6.4
FS1097.112	271.9	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.113	271.10	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.123	285.2	Queenstown Park Limited	Accept in part	2.10
FS1097.124	285.3	Queenstown Park Limited	Accept in part	3.19
FS1097.125	285.6	Queenstown Park Limited	Accept	6.5
FS1097.126	285.8	Queenstown Park Limited	Reject	8.4
FS1097.128	285.13	Queenstown Park Limited	Reject	8.3
FS1097.139	307.1	Queenstown Park Limited	Accept in part	3.14, 8.8
FS1097.142	315.3	Queenstown Park Limited	Accept in part	2.3
FS1097.15	72.3	Queenstown Park Limited	Reject	6.3
FS1097.155	339.15	Queenstown Park Limited	Accept in part	2.9
FS1097.156	339.17	Queenstown Park Limited	Accept in part	3.9
FS1097.157	339.25	Queenstown Park Limited	Accept in part	2.9
FS1097.17	110.2	Queenstown Park Limited	Accept in part	8.2
FS1097.187	343.1	Queenstown Park Limited	Accept in part	2.3
FS1097.188	343.3	Queenstown Park Limited	Accept in part	3.19
FS1097.193	343.9	Queenstown Park Limited	Accept in part	3.19
FS1097.194	345.1	Queenstown Park Limited	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.195	345.2	Queenstown Park Limited	Accept in part	2.3
FS1097.196	345.3	Queenstown Park Limited	Accept in part	3.19
FS1097.197	345.4	Queenstown Park Limited	Accept in part	3.19
FS1097.2	10.1	Queenstown Park Limited	Reject	3.5
FS1097.202	355.2	Queenstown Park Limited	Accept in part	2.11
FS1097.203	355.4	Queenstown Park Limited	Reject	8.3
FS1097.204	355.5	Queenstown Park Limited	Accept in part	8.6
FS1097.205	355.6	Queenstown Park Limited	Accept in part	8.7
FS1097.206	355.7	Queenstown Park Limited	Reject	8.6
FS1097.208	356.7	Queenstown Park Limited	Accept in part	8.3
FS1097.209	356.8	Queenstown Park Limited	Accept in part	8.7
FS1097.21	120.2	Queenstown Park Limited	Accept in part	Part B
FS1097.210	356.9	Queenstown Park Limited	Accept in part	8.7
FS1097.217	373.5	Queenstown Park Limited	Accept	3.9
FS1097.218	373.6	Queenstown Park Limited	Accept in part	3.9
FS1097.231	375.1	Queenstown Park Limited	Accept in part	2.3
FS1097.232	375.2	Queenstown Park Limited	Accept in part	2.11
FS1097.233	375.3	Queenstown Park Limited	Accept in part	3.16
FS1097.234	375.6	Queenstown Park Limited	Accept in part	3.19
FS1097.235	375.8	Queenstown Park Limited	Reject	8.3
FS1097.239	375.10	Queenstown Park Limited	Accept in part	8.6
FS1097.240	375.13	Queenstown Park Limited	Accept	8.5
FS1097.241	375.14	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.243	378.10	Queenstown Park Limited	Accept in Part	6.4
FS1097.244	378.13	Queenstown Park Limited	Accept in Part	6.5
FS1097.245	378.14	Queenstown Park Limited	Accept in part	8.6
FS1097.246	378.15	Queenstown Park Limited	Accept in part	6.3
FS1097.247	378.16	Queenstown Park Limited	Reject	8.7
FS1097.248	378.17	Queenstown Park Limited	Reject	8.3
FS1097.249	378.18	Queenstown Park Limited	Reject	8.7
FS1097.250	378.3	Queenstown Park Limited	Accept in part	2.9, 3.10
FS1097.251	378.5	Queenstown Park Limited	Accept in part	2.11
FS1097.252	378.20	Queenstown Park Limited	Accept in part	8.7
FS1097.263	407.2	Queenstown Park Limited	Accept in part	2.3
FS1097.264	407.3	Queenstown Park Limited	Accept in part	2.3
FS1097.27	145.5	Queenstown Park Limited	Reject	2, 2.9, 3.14
FS1097.281	430.3	Queenstown Park Limited	Accept in part	2.3, 2.11, 3.16
FS1097.283	430.6	Queenstown Park Limited	Accept in part	8.3, 8.7
FS1097.284	430.7	Queenstown Park Limited	Accept in part	8.3, 8.7
FS1097.29	145.9	Queenstown Park Limited	Accept	8.3
FS1097.3	10.3	Queenstown Park Limited	Accept in part	2.8
FS1097.32	145.12	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.323	433.37	Queenstown Park Limited	Accept in part	2.3
FS1097.324	433.38	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.325	433.39	Queenstown Park Limited	Accept in part	2.3
FS1097.326	433.40	Queenstown Park Limited	Accept	6.1
FS1097.327	433.41	Queenstown Park Limited	Accept in Part	6.4
FS1097.328	433.42	Queenstown Park Limited	Accept in Part	6.4
FS1097.329	433.43	Queenstown Park Limited	Accept in Part	6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.33	145.14	Queenstown Park Limited	Reject	3.16
FS1097.330	433.44	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.331	433.45	Queenstown Park Limited	Accept in Part	6.5
FS1097.332	433.46	Queenstown Park Limited	Reject	8.2
FS1097.333	433.47	Queenstown Park Limited	Accept in part	8.6-8.7
FS1097.334	433.48	Queenstown Park Limited	Accept in part	8.6
FS1097.335	433.49	Queenstown Park Limited	Accept in part	8.6
FS1097.336	433.50	Queenstown Park Limited	Accept in part	8.7
FS1097.34	145.15	Queenstown Park Limited	Reject	3.16
FS1097.37	145.18	Queenstown Park Limited	Accept in part	8.3-8.8
FS1097.38	145.21	Queenstown Park Limited	Accept in part	8.6
FS1097.4	10.4	Queenstown Park Limited	Accept in part	2.10
FS1097.42	145.29	Queenstown Park Limited	Accept in Part	6.3
FS1097.422	442.3	Queenstown Park Limited	Accept in part	2.10
FS1097.426	456.1	Queenstown Park Limited	Accept in part	2.3
FS1097.427	456.3	Queenstown Park Limited	Accept in part	3.16
FS1097.428	456.7	Queenstown Park Limited	Accept in part	3.19
FS1097.429	456.14	Queenstown Park Limited	Accept in part	8.3
FS1097.43	145.30	Queenstown Park Limited	Accept in part	8.4
FS1097.430	456.15	Queenstown Park Limited	Reject	8.7
FS1097.431	456.19	Queenstown Park Limited	Accept in part	8.3
FS1097.432	456.20	Queenstown Park Limited	Accept in part	8.7
FS1097.433	456.21	Queenstown Park Limited	Accept in part	8.7
FS1097.434	456.8	Queenstown Park Limited	Accept in part	8.2
FS1097.435	463.1	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.440	502.1	Queenstown Park Limited	Accept in part	2.11
FS1097.441	502.2	Queenstown Park Limited	Accept in part	2.11
FS1097.442	502.4	Queenstown Park Limited	Reject	8.7
FS1097.443	513.1	Queenstown Park Limited	Accept in part	2.3
FS1097.444	513.5	Queenstown Park Limited	Accept in part	2.11
FS1097.445	513.7	Queenstown Park Limited	Accept in part	2.11
FS1097.446	513.8	Queenstown Park Limited	Accept in part	2.3
FS1097.447	513.11	Queenstown Park Limited	Accept in part	8.7
FS1097.448	513.15	Queenstown Park Limited	Accept	8.7
FS1097.450	513.2	Queenstown Park Limited	Accept in part	2.11
FS1097.451	513.3	Queenstown Park Limited	Accept in part	3.16
FS1097.452	513.13	Queenstown Park Limited	Reject	8.7
FS1097.453	513.14	Queenstown Park Limited	Accept in part	8.3
FS1097.454	513.16	Queenstown Park Limited	Reject	8.7
FS1097.455	513.17	Queenstown Park Limited	Reject	8.3
FS1097.456	513.18	Queenstown Park Limited	Accept in part	8.7
FS1097.457	513.19	Queenstown Park Limited	Accept in part	8.7
FS1097.458	513.23	Queenstown Park Limited	Reject	8.7
FS1097.460	515.3	Queenstown Park Limited	Accept in part	2.11
FS1097.461	515.5	Queenstown Park Limited	Accept in part	2.3
FS1097.462	515.7	Queenstown Park Limited	Accept in part	3.19
FS1097.463	515.15	Queenstown Park Limited	Reject	8.3
FS1097.464	515.16	Queenstown Park Limited	Accept in part	8.7
FS1097.465	515.17	Queenstown Park Limited	Accept in part	8.7
FS1097.466	515.18	Queenstown Park Limited	Reject	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.467	515.19	Queenstown Park Limited	Reject	8.7
FS1097.474	515.4	Queenstown Park Limited	Accept in part	2.11
FS1097.475	515.10	Queenstown Park Limited	Reject	8.7
FS1097.476	515.14	Queenstown Park Limited	Reject	8.7
FS1097.477	515.9	Queenstown Park Limited	Accept in part	8.7
FS1097.478	515.11	Queenstown Park Limited	Reject	8.7
FS1097.479	515.12	Queenstown Park Limited	Accept in part	8.3
FS1097.480	515.13	Queenstown Park Limited	Accept	8.7
FS1097.482	519.9	Queenstown Park Limited	Accept in part	2.3
FS1097.483	519.10	Queenstown Park Limited	Accept in part	2.3
FS1097.484	519.15	Queenstown Park Limited	Accept in part	2.11
FS1097.485	519.24	Queenstown Park Limited	Reject	8.7
FS1097.486	519.25	Queenstown Park Limited	Accept in part	8.3
FS1097.487	519.26	Queenstown Park Limited	Accept in part	8.5
FS1097.488	519.31	Queenstown Park Limited	Accept	8.5
FS1097.489	519.32	Queenstown Park Limited	Reject	8.5
FS1097.491	522.5	Queenstown Park Limited	Accept in part	2.11
FS1097.492	522.7	Queenstown Park Limited	Accept in part	2.11
FS1097.493	522.14	Queenstown Park Limited	Reject	8.7
FS1097.494	522.15	Queenstown Park Limited	Accept in part	8.3
FS1097.495	522.17	Queenstown Park Limited	Reject	8.7
FS1097.496	522.20	Queenstown Park Limited	Accept in part	8.7
FS1097.5	18.1	Queenstown Park Limited	Accept in Part	6.3
FS1097.501	528.1	Queenstown Park Limited	Accept in part	2.11
FS1097.502	528.3	Queenstown Park Limited	Reject	8.4
FS1097.503	528.4	Queenstown Park Limited	Accept in part	8.3
FS1097.504	528.5	Queenstown Park Limited	Reject	8.3
FS1097.505	528.6	Queenstown Park Limited	Accept in part	8.7
FS1097.508	531.3	Queenstown Park Limited	Accept in part	2.11
FS1097.509	531.4	Queenstown Park Limited	Accept in part	2.11
FS1097.510	531.10	Queenstown Park Limited	Reject	8.7
FS1097.511	531.11	Queenstown Park Limited	Reject	8.7
FS1097.512	531.12	Queenstown Park Limited	Accept in part	8.3
FS1097.513	531.17	Queenstown Park Limited	Accept in part	8.7
FS1097.514	534.14	Queenstown Park Limited	Reject	8.7
FS1097.525	581.5	Queenstown Park Limited	Accept in part	2.11
FS1097.526	581.6	Queenstown Park Limited	Accept in part	2.11
FS1097.527	581.7	Queenstown Park Limited	Accept in part	8.6
FS1097.528	581.8	Queenstown Park Limited	Reject	8.7
FS1097.529	581.9	Queenstown Park Limited	Accept in part	8.3
FS1097.530	581.11	Queenstown Park Limited	Reject	8.7
FS1097.531	598.17	Queenstown Park Limited	Accept in part	2.11
FS1097.532	598.25	Queenstown Park Limited	Accept in part	8.6
FS1097.535	600.16	Queenstown Park Limited	Accept in part	2.9
FS1097.536	600.29	Queenstown Park Limited	Accept in part	2.11
FS1097.537	600.30	Queenstown Park Limited	Accept in part	3.16
FS1097.545	607.6	Queenstown Park Limited	Reject	2.15
FS1097.546	607.7	Queenstown Park Limited	Accept in part	2.3
FS1097.548	607.10	Queenstown Park Limited	Accept in part	3.1
FS1097.549	607.12	Queenstown Park Limited	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.550	607.15	Queenstown Park Limited	Reject	2.9
FS1097.551	607.16	Queenstown Park Limited	Accept in part	2.11
FS1097.552	607.17	Queenstown Park Limited	Accept in part	3.16
FS1097.553	607.18	Queenstown Park Limited	Accept in part	2.11
FS1097.554	607.19	Queenstown Park Limited	Accept in part	3.19
FS1097.558	607.8	Queenstown Park Limited	Accept in part	3.1
FS1097.564	608.3	Queenstown Park Limited	Accept in part	2.3, 3.2, 3.18
FS1097.565	608.8	Queenstown Park Limited	Accept in part	2.3
FS1097.566	608.19	Queenstown Park Limited	Accept in part	2.11
FS1097.567	608.21	Queenstown Park Limited	Accept in part	2.3
FS1097.568	608.22	Queenstown Park Limited	Accept in part	3.19
FS1097.569	608.37	Queenstown Park Limited	Accept in part	8.2
FS1097.578	608.40	Queenstown Park Limited	Reject	8.7
FS1097.579	608.49	Queenstown Park Limited	Reject	8.6
FS1097.580	608.50	Queenstown Park Limited	Reject	8.3
FS1097.581	610.3	Queenstown Park Limited	Reject	3.19
FS1097.589	613.3	Queenstown Park Limited	Reject	3.19
FS1097.597	615.6	Queenstown Park Limited	Reject	2.15
FS1097.598	615.7	Queenstown Park Limited	Accept in part	2.3
FS1097.599	615.8	Queenstown Park Limited	Accept in part	3.1
FS1097.6	19.3	Queenstown Park Limited	Reject	6.1-6.5
FS1097.601	615.10	Queenstown Park Limited	Accept in part	3.1
FS1097.602	615.12	Queenstown Park Limited	Accept in part	2.3
FS1097.605	621.8	Queenstown Park Limited	Accept in part	3.1
FS1097.607	621.40	Queenstown Park Limited	Reject	3.19
FS1097.610	621.6	Queenstown Park Limited	Reject	2.15
FS1097.611	621.7	Queenstown Park Limited	Accept in part	2.3
FS1097.612	621.10	Queenstown Park Limited	Accept in part	3.1
FS1097.616	621.28	Queenstown Park Limited	Accept in part	8.5
FS1097.623	625.6	Queenstown Park Limited	Reject	2.15
FS1097.624	625.7	Queenstown Park Limited	Reject	2.15
FS1097.625	625.8	Queenstown Park Limited	Reject	2.15
FS1097.626	625.9	Queenstown Park Limited	Accept	2.15
FS1097.627	625.10	Queenstown Park Limited	Reject	2.15
FS1097.628	625.11	Queenstown Park Limited	Reject	2.15
FS1097.629	625.12	Queenstown Park Limited	Reject	8.4
FS1097.641	635.10	Queenstown Park Limited	Accept in part	2.3
FS1097.642	635.16	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.643	635.28	Queenstown Park Limited	Accept in part	8.6
FS1097.645	636.3	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.648	671.1	Queenstown Park Limited	Reject	2.15
FS1097.649	671.2	Queenstown Park Limited	Reject	8.4
FS1097.652	677.2	Queenstown Park Limited	Reject	2.15
FS1097.653	677.3	Queenstown Park Limited	Accept in part	2.3
FS1097.654	677.4	Queenstown Park Limited	Accept in part	3.1
FS1097.656	677.6	Queenstown Park Limited	Reject	8.5
FS1097.657	677.7	Queenstown Park Limited	Reject	3.19
FS1097.659	693.5	Queenstown Park Limited	Reject	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.661	696.13	Queenstown Park Limited	Reject	8.5
FS1097.662	696.14	Queenstown Park Limited	Reject	3.19
FS1097.666	702.2	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.667	706.8	Queenstown Park Limited	Accept	3.9
FS1097.668	706.9	Queenstown Park Limited	Accept in part	3.9
FS1097.669	706.17	Queenstown Park Limited	Accept in part	2.9
FS1097.68	221.1	Queenstown Park Limited	Accept in part	2.10
FS1097.686	716.4	Queenstown Park Limited	Reject	2.15
FS1097.687	716.5	Queenstown Park Limited	Accept in part	2.3
FS1097.688	716.6	Queenstown Park Limited	Accept in part	3.1
FS1097.69	238.1	Queenstown Park Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1097.690	716.8	Queenstown Park Limited	Reject	3.4
FS1097.691	716.9	Queenstown Park Limited	Accept in part	2.3
FS1097.692	716.15	Queenstown Park Limited	Accept in part	3.19
FS1097.694	719.7	Queenstown Park Limited	Accept in part	2.5
FS1097.695	719.21	Queenstown Park Limited	Accept in Part	6.4
FS1097.696	719.23	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.70	238.3	Queenstown Park Limited	Accept in part	8.1-8.7
FS1097.703	761.36	Queenstown Park Limited	Accept in part	2.3
FS1097.705	768.16	Queenstown Park Limited	Reject	8.5
FS1097.71	238.36	Queenstown Park Limited	Accept in Part	6.5
FS1097.716	798.25	Queenstown Park Limited	Accept in part	2.5
FS1097.718	809.1	Queenstown Park Limited	Accept in part	2.11
FS1097.719	809.3	Queenstown Park Limited	Reject	8.7
FS1097.72	238.38	Queenstown Park Limited	Accept in Part	6.5
FS1097.724	836.15	Queenstown Park Limited	Accept in Part	2.8, 3.14
FS1097.725	836.18	Queenstown Park Limited	Accept in part	8.7
FS1097.727	836.22	Queenstown Park Limited	Accept in part	8.4
FS1097.733	437.3	Queenstown Park Limited	Accept in part	2.3
FS1097.734	437.4	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.735	437.5	Queenstown Park Limited	Accept in part	2.11
FS1097.736	437.6	Queenstown Park Limited	Accept in part	3.16
FS1097.737	437.7	Queenstown Park Limited	Accept in part	3.16
FS1097.738	437.8	Queenstown Park Limited	Accept in part	3.18
FS1097.739	437.9	Queenstown Park Limited	Accept in part	2.3
FS1097.74	238.34	Queenstown Park Limited	Accept in Part	6.4
FS1097.740	437.10	Queenstown Park Limited	Accept in part	3.19
FS1097.741	437.11	Queenstown Park Limited	Accept in part	3.19
FS1097.743	437.13	Queenstown Park Limited	Accept in part	8.2
FS1097.744	437.14	Queenstown Park Limited	Reject	8.3
FS1097.745	437.15	Queenstown Park Limited	Reject	8.4
FS1097.746	437.16	Queenstown Park Limited	Accept in part	8.4
FS1097.747	437.17	Queenstown Park Limited	Accept in part	8.6
FS1097.748	437.18	Queenstown Park Limited	Accept in part	8.7
FS1097.749	437.19	Queenstown Park Limited	Accept in part	8.5
FS1097.75	238.85	Queenstown Park Limited	Reject	8.3, 8.5
FS1097.750	437.20	Queenstown Park Limited	Accept in part	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.751	437.21	Queenstown Park Limited	Accept in part	8.3
FS1097.752	437.22	Queenstown Park Limited	Reject	8.7
FS1097.753	437.23	Queenstown Park Limited	Reject	8.7
FS1097.754	437.24	Queenstown Park Limited	Accept in part	8.7
FS1097.755	437.25	Queenstown Park Limited	Accept in part	8.7
FS1097.756	437.26	Queenstown Park Limited	Accept in part	8.7
FS1097.757	437.27	Queenstown Park Limited	Accept in part	8.7
FS1097.758	437.28	Queenstown Park Limited	Accept in part	8.6
FS1097.759	437.29	Queenstown Park Limited	Accept in part	8.3
FS1097.76	238.86	Queenstown Park Limited	Reject	8.5
FS1097.760	437.31	Queenstown Park Limited	Accept in part	8.7
FS1097.761	437.32	Queenstown Park Limited	Reject	8.7
FS1097.762	437.33	Queenstown Park Limited	Accept in part	8.5
FS1097.763	437.34	Queenstown Park Limited	Accept in part	8.7
FS1097.764	437.35	Queenstown Park Limited	Reject	8.3
FS1097.79	238.136	Queenstown Park Limited	Accept in part	3.2
FS1097.80	238.139	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
FS1097.87	249.4	Queenstown Park Limited	Accept in part	3.2
FS1097.88	249.9	Queenstown Park Limited	Accept in part	8.6
FS1097.89	251.1	Queenstown Park Limited	Accept in part	2.3, 3.18
FS1097.90	251.3	Queenstown Park Limited	Accept in part	2.3
FS1097.91	251.4	Queenstown Park Limited	Reject	8.2
FS1097.92	251.5	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.93	251.6	Queenstown Park Limited	Reject	8.4
FS1098.13	810.5	Heritage New Zealand Pouhere Taonga	Reject	3.8
FS1098.14	810.7	Heritage New Zealand Pouhere Taonga	Reject	2.11
FS1099.3	430.3	Brendon and Katrina Thomas	Accept in part	2.3, 2.11, 3.16
FS1105.10	615.10	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.1
FS1105.11	615.11	Cardrona Valley Residents and Ratepayers Society Inc	Reject	3.4
FS1105.12	615.12	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.3
FS1105.13	615.13	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.7
FS1105.14	615.14	Cardrona Valley Residents and Ratepayers Society Inc	Reject	3.8
FS1105.15	615.15	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.9
FS1105.16	615.16	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.16
FS1105.17	615.17	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.11
FS1105.18	615.18	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.19
FS1105.25	615.25	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.11

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1105.6	615.6	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.15
FS1105.7	615.7	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.3
FS1105.8	615.8	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.1
FS1106.5	433.47	Chorus New Zealand Limited	Accept in part	8.6-8.7
FS1106.6	433.48	Chorus New Zealand Limited	Accept in part	8.6
FS1106.7	433.49	Chorus New Zealand Limited	Accept in part	8.6
FS1106.8	433.50	Chorus New Zealand Limited	Accept in part	8.7
FS1107.139	238.134	Man Street Properties Ltd	Accept	2.1
FS1107.140	238.135	Man Street Properties Ltd	Accept	2.15
FS1107.141	238.136	Man Street Properties Ltd	Accept in part	3.2
FS1107.142	238.137	Man Street Properties Ltd	Accept in part	2.3
FS1107.143	238.138	Man Street Properties Ltd	Accept in part	2.3
FS1107.144	238.139	Man Street Properties Ltd	Accept in part	3.5, 6.3, 6.4
FS1107.145	238.140	Man Street Properties Ltd	Accept in part	3.5, 6.3, 6.4
FS1107.146	238.141	Man Street Properties Ltd	Accept in part	2.6
FS1107.147	238.142	Man Street Properties Ltd	Accept	2.9
FS1107.148	238.143	Man Street Properties Ltd	Accept in part	2.12
FS1107.149	238.144	Man Street Properties Ltd	Accept in part	2.5, 2.12
FS1107.150	238.145	Man Street Properties Ltd	Accept in part	3.20, 6.3, 6.4
FS1107.151	238.146	Man Street Properties Ltd	Accept in part	2.5, 2.12
FS1107.152	238.147	Man Street Properties Ltd	Accept in part	2.12, 6.3, 6.4
FS1107.153	238.148	Man Street Properties Ltd	Accept in part	2.5, 2.12
FS1107.17	238.12	Man Street Properties Ltd	Accept in Part	6.1
FS1107.21	238.16	Man Street Properties Ltd	Accept in Part	6.3
FS1107.22	238.17	Man Street Properties Ltd	Accept in Part	6.4
FS1107.23	238.18	Man Street Properties Ltd	Accept in Part	6.4
FS1107.24	238.19	Man Street Properties Ltd	Accept in Part	6.4
FS1107.25	238.20	Man Street Properties Ltd	Accept in Part	6.3
FS1107.26	238.21	Man Street Properties Ltd	Accept in Part	6.3
FS1107.27	238.22	Man Street Properties Ltd	Accept in Part	6.3
FS1107.28	238.23	Man Street Properties Ltd	Accept in Part	6.3
FS1107.29	238.24	Man Street Properties Ltd	Accept in Part	6.3
FS1107.30	238.25	Man Street Properties Ltd	Accept in Part	6.4
FS1107.31	238.26	Man Street Properties Ltd	Accept in Part	6.3
FS1107.32	238.27	Man Street Properties Ltd	Accept in Part	6.4
FS1107.33	238.28	Man Street Properties Ltd	Accept in Part	6.4
FS1107.34	238.29	Man Street Properties Ltd	Accept in Part	6.4
FS1107.35	238.30	Man Street Properties Ltd	Accept in Part	6.4
FS1107.36	238.31	Man Street Properties Ltd	Accept in Part	6.4
FS1107.37	238.32	Man Street Properties Ltd	Accept in Part	6.4
FS1107.38	238.33	Man Street Properties Ltd	Accept in Part	6.4
FS1107.39	238.34	Man Street Properties Ltd	Accept in Part	6.4
FS1107.40	238.35	Man Street Properties Ltd	Accept in Part	6.4
FS1107.41	238.36	Man Street Properties Ltd	Accept in Part	6.5
FS1107.42	238.37	Man Street Properties Ltd	Accept in Part	6.3, 6.5
FS1107.43	238.38	Man Street Properties Ltd	Accept in Part	6.5
FS1107.44	238.39	Man Street Properties Ltd	Accept in Part	6.3, 6.5

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FS1107.6	238.1	Man Street Properties Ltd	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1107.69	238.64	Man Street Properties Ltd	Accept	2.1
FS1107.7	238.2	Man Street Properties Ltd	Accept in Part	6.1
FS1107.8	238.3	Man Street Properties Ltd	Accept in part	8.1-8.7
FS1107.88	238.83	Man Street Properties Ltd	Accept in part	8.1
FS1107.89	238.84	Man Street Properties Ltd	Accept in part	8.2
FS1107.90	238.85	Man Street Properties Ltd	Accept	8.3, 8.5
FS1107.91	238.86	Man Street Properties Ltd	Accept	8.5
FS1107.93	238.88	Man Street Properties Ltd	Accept in Part	6.5
FS1115.1	251.1	Queenstown Wharves Limited	Accept in part	2.3, 3.18
FS1115.2	251.3	Queenstown Wharves Limited	Accept in part	2.3
FS1115.3	251.4	Queenstown Wharves Limited	Reject	8.2
FS1115.4	251.5	Queenstown Wharves Limited	Accept in part	8.6, 8.7
FS1117.1	10.7	Remarkables Park Limited	Accept in part	2.3
FS1117.11	238.136	Remarkables Park Limited	Accept in part	3.2
FS1117.12	238.137	Remarkables Park Limited	Accept in part	2.3
FS1117.13	238.138	Remarkables Park Limited	Accept in part	2.3
FS1117.17	249.2	Remarkables Park Limited	Accept in part	2.3
FS1117.179	433.38	Remarkables Park Limited	Accept in part	2.10, 2.11, 3.16
FS1117.18	249.5	Remarkables Park Limited	Accept in part	3.1
FS1117.180	433.39	Remarkables Park Limited	Accept in part	2.3
FS1117.181	433.46	Remarkables Park Limited	Reject	8.2
FS1117.182	433.47	Remarkables Park Limited	Accept in part	8.6-8.7
FS1117.183	433.48	Remarkables Park Limited	Accept in part	8.6
FS1117.184	433.49	Remarkables Park Limited	Accept in part	8.6
FS1117.185	433.50	Remarkables Park Limited	Accept in part	8.7
FS1117.19	251.1	Remarkables Park Limited	Accept in part	2.3, 3.18
FS1117.195	515.14	Remarkables Park Limited	Reject	8.7
FS1117.197	519.15	Remarkables Park Limited	Accept in part	2.11
FS1117.2	19.2	Remarkables Park Limited	Accept in part	Part B
FS1117.206	524.5	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
FS1117.228	598.15	Remarkables Park Limited	Accept in part	2.11
FS1117.229	598.16	Remarkables Park Limited	Accept in part	3.16
FS1117.23	271.3	Remarkables Park Limited	Accept in part	2.3
FS1117.230	598.17	Remarkables Park Limited	Accept in part	2.11
FS1117.231	598.18	Remarkables Park Limited	Accept in part	3.16
FS1117.232	598.25	Remarkables Park Limited	Accept in part	8.6
FS1117.239	607.6	Remarkables Park Limited	Reject	2.15
FS1117.24	271.4	Remarkables Park Limited	Accept in part	2.5
FS1117.240	607.7	Remarkables Park Limited	Accept in part	2.3
FS1117.241	607.8	Remarkables Park Limited	Accept in part	3.1
FS1117.243	607.10	Remarkables Park Limited	Accept in part	3.1
FS1117.244	607.11	Remarkables Park Limited	Reject	3.4
FS1117.245	608.8	Remarkables Park Limited	Accept in part	2.3

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FS1117.246	608.49	Remarkables Park Limited	Reject	8.6
FS1117.247	608.50	Remarkables Park Limited	Reject	8.3
FS1117.249	615.6	Remarkables Park Limited	Reject	2.15
FS1117.25	271.5	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
FS1117.250	615.7	Remarkables Park Limited	Accept in part	2.3
FS1117.251	615.8	Remarkables Park Limited	Accept in part	3.1
FS1117.253	615.11	Remarkables Park Limited	Reject	3.4
FS1117.254	615.10	Remarkables Park Limited	Accept in part	3.1
FS1117.256	621.6	Remarkables Park Limited	Reject	2.15
FS1117.257	621.7	Remarkables Park Limited	Accept in part	2.3
FS1117.258	621.8	Remarkables Park Limited	Accept in part	3.1
FS1117.26	271.6	Remarkables Park Limited	Accept in Part	6.4
FS1117.260	621.10	Remarkables Park Limited	Accept in part	3.1
FS1117.266	677.2	Remarkables Park Limited	Reject	2.15
FS1117.267	677.3	Remarkables Park Limited	Accept in part	2.3
FS1117.268	677.4	Remarkables Park Limited	Accept in part	3.1
FS1117.27	271.7	Remarkables Park Limited	Accept in Part	6.4
FS1117.270	677.6	Remarkables Park Limited	Reject	8.5
FS1117.272	702.2	Remarkables Park Limited	Accept in part	2.10, 2.11, 3.16
FS1117.274	716.4	Remarkables Park Limited	Reject	2.15
FS1117.275	716.5	Remarkables Park Limited	Accept in part	2.3
FS1117.276	716.6	Remarkables Park Limited	Accept in part	3.1
FS1117.278	716.8	Remarkables Park Limited	Reject	3.4
FS1117.279	716.9	Remarkables Park Limited	Accept in part	2.3
FS1117.28	271.8	Remarkables Park Limited	Accept in Part	6.4
FS1117.280	751.7	Remarkables Park Limited	Accept in Part	6.4
FS1117.29	271.9	Remarkables Park Limited	Accept in Part	6.3, 6.5
FS1117.30	271.10	Remarkables Park Limited	Accept in Part	6.3, 6.5
FS1117.4	21.9	Remarkables Park Limited	Reject	1.7
FS1117.40	285.6	Remarkables Park Limited	Accept	6.5
FS1117.7	238.3	Remarkables Park Limited	Accept in part	8.1-8.7
FS1117.8	238.36	Remarkables Park Limited	Accept in Part	6.5
FS1117.9	238.38	Remarkables Park Limited	Accept in Part	6.5
FS1117.93	433.37	Remarkables Park Limited	Accept in part	2.3
FS1117.94	433.40	Remarkables Park Limited	Accept	6.1
FS1117.95	433.41	Remarkables Park Limited	Accept in Part	6.4
FS1117.96	433.42	Remarkables Park Limited	Accept in Part	6.4
FS1117.97	433.43	Remarkables Park Limited	Accept in Part	6.5
FS1117.98	433.44	Remarkables Park Limited	Accept in Part	6.3, 6.5
FS1117.99	433.45	Remarkables Park Limited	Accept in Part	6.5
FS1118.5	361.5	Robins Road Limited	Accept in part	3.3
FS1119.2	18.1	Banco Trustees Limited, McCulloch Trustees 2004 Limited, and others	Accept in Part	6.3
FS1120.10	537.6	Michael Brial	Accept in part	2.11
FS1120.11	537.7	Michael Brial	Accept in part	2.11
FS1120.12	537.8	Michael Brial	Accept in part	2.3
FS1120.13	537.9	Michael Brial	Accept in part	3.19
FS1120.14	537.10	Michael Brial	Accept in part	2.5, 2.12

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FS1120.15	537.11	Michael Brial	Accept in part	8.7
FS1120.47	537.43	Michael Brial	Accept in part	2.3
FS1120.5	537.1	Michael Brial	Accept in part	2.3
FS1120.6	537.2	Michael Brial	Accept in part	3.16
FS1120.7	537.3	Michael Brial	Accept in part	2.11
FS1120.8	537.4	Michael Brial	Accept in part	3.16
FS1120.9	537.5	Michael Brial	Accept in part	2.11
FS1121.10	271.4	Aurora Energy Limited	Accept in part	2.5
FS1121.11	271.5	Aurora Energy Limited	Accept in part	3.5, 6.3, 6.4
FS1121.13	271.5	Aurora Energy Limited	Accept in part	3.5, 6.3, 6.4
FS1121.14	271.7	Aurora Energy Limited	Accept in Part	6.4
FS1121.15	719.7	Aurora Energy Limited	Accept in part	2.5
FS1121.16	805.34	Aurora Energy Limited	Accept in Part	6.4
FS1121.4	179.8	Aurora Energy Limited	Accept in Part	2,3.18
FS1121.7	191.7	Aurora Energy Limited	Accept in Part	2, 3.18
FS1121.8	251.1	Aurora Energy Limited	Accept in part	2.3, 3.18
FS1121.9	251.3	Aurora Energy Limited	Accept in part	2.3
FS1130.1	297.1	Robbie McGillivray	Accept	2.1
FS1132.1	145.5	Federated Farmers of New Zealand	Accept	2, 2.9, 3.14
FS1132.14	251.1	Federated Farmers of New Zealand	Accept in part	2.3, 3.18
FS1132.15	251.3	Federated Farmers of New Zealand	Accept in part	2.3
FS1132.30	590.1	Federated Farmers of New Zealand	Accept in part	2.9
FS1132.31	598.21	Federated Farmers of New Zealand	Accept in part	3.19
FS1132.32	598.22	Federated Farmers of New Zealand	Accept in part	3.19
FS1132.35	625.9	Federated Farmers of New Zealand	Accept	2.15
FS1132.36	625.10	Federated Farmers of New Zealand	Accept	2.15
FS1132.4	179.8	Federated Farmers of New Zealand	Accept in Part	2,3.18
FS1132.47	671.1	Federated Farmers of New Zealand	Accept	2.15
FS1132.48	677.4	Federated Farmers of New Zealand	Accept in part	3.1
FS1132.52	706.10	Federated Farmers of New Zealand	Accept	3.9
FS1132.72	810.7	Federated Farmers of New Zealand	Accept	2.11
FS1137.11	615.10	Kay Curtis	Accept in part	3.1
FS1137.12	615.11	Kay Curtis	Reject	3.4
FS1137.13	615.12	Kay Curtis	Accept in part	2.3
FS1137.14	615.13	Kay Curtis	Accept in part	2.7
FS1137.15	615.14	Kay Curtis	Reject	3.8
FS1137.16	615.15	Kay Curtis	Reject	2.9

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FS1137.17	615.16	Kay Curtis	Accept in part	3.16
FS1137.18	615.17	Kay Curtis	Accept in part	2.11
FS1137.19	615.18	Kay Curtis	Accept in part	3.19
FS1137.26	615.25	Kay Curtis	Accept in part	2.11
FS1137.7	615.6	Kay Curtis	Reject	2.15
FS1137.8	615.7	Kay Curtis	Accept in part	2.3
FS1137.9	615.8	Kay Curtis	Accept in part	3.1
FS1143.1	10.1	James Schmidt	Accept in part	3.5
FS1146.21	430.3	Lee Nicolson	Accept in part	2.3, 2.11, 3.16
FS1146.25	430.7	Lee Nicolson	Accept in part	8.2
FS1152.2	621.6	Kawarau Jet Services Holdings Ltd	Reject	2.15
FS1152.3	621.7	Kawarau Jet Services Holdings Ltd	Accept in part	2.3
FS1152.4	621.8	Kawarau Jet Services Holdings Ltd	Accept in part	3.1
FS1152.6	621.10	Kawarau Jet Services Holdings Ltd	Accept in part	3.1
FS1153.6	615.6	Mount Cardrona Station Ltd	Reject	2.15
FS1153.7	615.7	Mount Cardrona Station Ltd	Accept in part	2.3
FS1153.8	615.8	Mount Cardrona Station Ltd	Accept in part	3.1
FS1154.1	10.1	Hogans Gully Farm Ltd	Accept in part	3.5
FS1154.2	18.1	Hogans Gully Farm Ltd	Accept in Part	6.3
FS1154.3	238.1	Hogans Gully Farm Ltd	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1154.7	608.8	Hogans Gully Farm Ltd	Accept in part	2.3
FS1154.8	608.37	Hogans Gully Farm Ltd	Accept in part	8.2
FS1157.1	10.1	Trojan Helmet Ltd	Accept in part	3.5
FS1157.10	238.1	Trojan Helmet Ltd	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1157.11	238.64	Trojan Helmet Ltd	Accept	2.1
FS1157.12	238.134	Trojan Helmet Ltd	Accept	2.1
FS1157.13	238.135	Trojan Helmet Ltd	Accept	2.15
FS1157.14	238.136	Trojan Helmet Ltd	Accept in part	3.2
FS1157.15	238.137	Trojan Helmet Ltd	Accept in part	2.3
FS1157.16	238.138	Trojan Helmet Ltd	Accept in part	2.3
FS1157.17	238.139	Trojan Helmet Ltd	Accept in part	3.5, 6.3, 6.4
FS1157.18	238.140	Trojan Helmet Ltd	Accept in part	3.5, 6.3, 6.4
FS1157.19	238.141	Trojan Helmet Ltd	Accept in part	2.6
FS1157.2	10.2	Trojan Helmet Ltd	Reject	2.6
FS1157.20	238.142	Trojan Helmet Ltd	Accept	2.9
FS1157.21	238.143	Trojan Helmet Ltd	Accept in part	2.12
FS1157.22	238.144	Trojan Helmet Ltd	Accept in part	2.5, 2.12
FS1157.23	238.145	Trojan Helmet Ltd	Accept in part	3.20, 6.3, 6.4
FS1157.24	238.146	Trojan Helmet Ltd	Accept in part	2.5, 2.12
FS1157.25	238.147	Trojan Helmet Ltd	Accept in part	2.12, 6.3, 6.4
FS1157.26	238.148	Trojan Helmet Ltd	Accept in part	2.5, 2.12
FS1157.3	10.3	Trojan Helmet Ltd	Accept in part	2.8
FS1157.4	10.4	Trojan Helmet Ltd	Accept in part	2.10
FS1157.5	10.5	Trojan Helmet Ltd	Accept in part	2.12

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FS1157.6	10.6	Trojan Helmet Ltd	Accept in Part	6.5
FS1157.7	10.7	Trojan Helmet Ltd	Accept in part	2.3
FS1157.8	18.1	Trojan Helmet Ltd	Accept in Part	6.3
FS1157.9	18.2	Trojan Helmet Ltd	Accept in Part	6.5
FS1158.3	608.8	ZJV (NZ) Ltd	Accept in part	2.3
FS1158.4	608.37	ZJV (NZ) Ltd	Accept in part	8.2
FS1159.2	635.11	PowerNet Ltd	Accept in part	2.3
FS1159.3	805.38	PowerNet Ltd	Accept in Part	6.3, 6.5
FS1160.12	437.13	Otago Regional Council	Accept in part	8.2
FS1160.13	437.14	Otago Regional Council	Reject	8.3
FS1160.14	437.17	Otago Regional Council	Accept in part	8.6
FS1160.15	437.18	Otago Regional Council	Accept in part	8.7
FS1160.16	437.21	Otago Regional Council	Accept in part	8.3
FS1160.17	437.23	Otago Regional Council	Accept	8.7
FS1160.18	437.26	Otago Regional Council	Accept in part	8.7
FS1160.19	437.27	Otago Regional Council	Accept in part	8.7
FS1160.2	438.3	Otago Regional Council	Accept in part	2.3
FS1160.20	437.29	Otago Regional Council	Accept in part	8.3
FS1160.7	711.3	Otago Regional Council	Reject	2.9
FS1160.8	343.9	Otago Regional Council	Accept in part	3.19
FS1160.9	20.5	Otago Regional Council	Accept in Part	6.1-6.5
FS1162.12	145.12	James Wilson Cooper	Accept in part	8.6, 8.7
FS1162.14	145.14	James Wilson Cooper	Accept	3.16
FS1162.15	145.15	James Wilson Cooper	Accept	3.16
FS1162.18	145.18	James Wilson Cooper	Accept in part	8.3-8.8
FS1162.19	145.19	James Wilson Cooper	Accept in Part	2, 2.11, 8.6
FS1162.21	145.21	James Wilson Cooper	Accept in part	8.6
FS1162.27	145.27	James Wilson Cooper	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
FS1162.29	145.29	James Wilson Cooper	Accept in Part	6.3
FS1162.30	145.30	James Wilson Cooper	Accept in part	8.4
FS1162.38	701.3	James Wilson Cooper	Accept in part	2.9
FS1162.39	701.4	James Wilson Cooper	Accept in part	2.9, 3.10
FS1162.40	701.5	James Wilson Cooper	Accept in part	3.19
FS1162.5	145.5	James Wilson Cooper	Accept	2, 2.9, 3.14
FS1162.60	706.6	James Wilson Cooper	Accept in part	2.8
FS1162.61	706.7	James Wilson Cooper	Accept in part	2.9
FS1162.62	706.8	James Wilson Cooper	Accept	3.9
FS1162.63	706.9	James Wilson Cooper	Accept in part	3.9
FS1162.64	706.10	James Wilson Cooper	Accept	3.9
FS1162.65	706.11	James Wilson Cooper	Accept	2.9
FS1162.66	706.12	James Wilson Cooper	Accept in part	2.9, 3.10
FS1162.67	706.13	James Wilson Cooper	Accept in part	3.11
FS1162.68	706.14	James Wilson Cooper	Accept	2.9
FS1162.69	706.15	James Wilson Cooper	Accept	3.12
FS1162.70	706.16	James Wilson Cooper	Accept in part	2.9
FS1162.71	706.17	James Wilson Cooper	Accept in part	2.9
FS1162.72	706.18	James Wilson Cooper	Accept in part	3.14
FS1162.73	706.19	James Wilson Cooper	Accept	2.9
FS1162.74	706.20	James Wilson Cooper	Accept	3.15

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FS1162.9	145.9	James Wilson Cooper	Accept	8.3
FS1164.14	768.5	Shotover Park Limited	Accept in part	3.3
FS1164.2	361.5	Shotover Park Limited	Accept in part	3.3
FS1208.5	433.47	Vodafone New Zealand Limited	Accept in part	8.6-8.7
FS1208.6	433.48	Vodafone New Zealand Limited	Accept in part	8.6
FS1208.7	433.49	Vodafone New Zealand Limited	Accept in part	8.6
FS1208.8	433.50	Vodafone New Zealand Limited	Accept in part	8.7
FS1209.11	600.11	Richard Burdon	Accept in Part	2.1
FS1209.12	600.12	Richard Burdon	Accept in part	2.2
FS1209.13	600.13	Richard Burdon	Accept in part	2.3
FS1209.14	600.14	Richard Burdon	Accept in part	2.4, 2.5
FS1209.15	600.15	Richard Burdon	Accept in part	2.9
FS1209.16	600.16	Richard Burdon	Accept in part	2.9
FS1209.17	600.17	Richard Burdon	Accept in part	3.9
FS1209.18	600.18	Richard Burdon	Accept in part	3.9
FS1209.19	600.19	Richard Burdon	Reject	2.9
FS1209.20	600.20	Richard Burdon	Accept in part	2.9, 3.10
FS1209.21	600.21	Richard Burdon	Accept in part	2.9
FS1209.22	600.22	Richard Burdon	Accept in part	3.11
FS1209.23	600.23	Richard Burdon	Accept in part	3.12
FS1209.24	600.24	Richard Burdon	Accept in part	2.9
FS1209.25	600.25	Richard Burdon	Reject	3.13
FS1209.26	600.26	Richard Burdon	Reject	2.9
FS1209.27	600.27	Richard Burdon	Accept in part	3.14
FS1209.28	600.28	Richard Burdon	Accept in part	2.10
FS1209.29	600.29	Richard Burdon	Accept in part	2.11
FS1209.30	600.30	Richard Burdon	Accept in part	3.16
FS1209.31	600.31	Richard Burdon	Accept in part	2.11
FS1209.32	600.32	Richard Burdon	Accept in part	2.11
FS1209.33	600.33	Richard Burdon	Accept in part	2.11
FS1209.34	600.34	Richard Burdon	Accept in part	3.18
FS1209.35	600.35	Richard Burdon	Accept in part	2.3
FS1209.36	600.36	Richard Burdon	Accept in part	3.19
FS1209.37	600.37	Richard Burdon	Accept in part	3.19
FS1209.39	600.39	Richard Burdon	Accept in Part	6.4
FS1209.42	600.42	Richard Burdon	Accept in part	8.2
FS1209.43	600.43	Richard Burdon	Reject	8.3
FS1209.44	600.44	Richard Burdon	Reject	8.5
FS1209.45	600.45	Richard Burdon	Reject	8.7
FS1209.46	600.46	Richard Burdon	Reject	8.3
FS1209.47	600.47	Richard Burdon	Reject	8.7
FS1209.48	600.48	Richard Burdon	Reject	8.7
FS1209.49	600.49	Richard Burdon	Reject	8.3
FS1209.50	600.50	Richard Burdon	Reject	8.3
FS1209.51	600.51	Richard Burdon	Accept	8.6
FS1209.52	600.52	Richard Burdon	Reject	8.7

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FS1209.53	600.53	Richard Burdon	Reject	8.3
FS1209.54	600.54	Richard Burdon	Accept	8.5
FS1211.15	635.10	New Zealand Defence Force	Accept in part	2.3
FS1211.16	635.16	New Zealand Defence Force	Accept in part	2.10, 2.11, 3.16
FS1211.17	635.17	New Zealand Defence Force	Accept in part	2.10, 2.11, 3.16
FS1211.21	805.23	New Zealand Defence Force	Accept in part	2.5
FS1211.22	805.24	New Zealand Defence Force	Accept in part	3.5, 6.3, 6.4
FS1211.23	805.32	New Zealand Defence Force	Accept in Part	6.1
FS1211.24	805.34	New Zealand Defence Force	Accept in Part	6.4
FS1211.25	805.35	New Zealand Defence Force	Accept in Part	6.4
FS1211.26	805.36	New Zealand Defence Force	Accept in Part	6.4
FS1211.27	805.38	New Zealand Defence Force	Accept in Part	6.3, 6.5
FS1211.33	251.3	New Zealand Defence Force	Accept in part	2.3
FS1211.35	433.39	New Zealand Defence Force	Accept in part	2.3
FS1219.3	632.2	Bravo Trustee Company	Accept in part	2.10, 2.11, 3.16
FS1221.1	285.8	Robins Farm Limited	Reject	8.4
FS1226.139	238.134	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.1
FS1226.140	238.135	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.15
FS1226.141	238.136	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.2
FS1226.142	238.137	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.143	238.138	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.144	238.139	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1226.145	238.140	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1226.146	238.141	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.6
FS1226.147	238.142	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.9
FS1226.148	238.143	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.149	238.144	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.5, 2.12
FS1226.150	238.145	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.20, 6.3, 6.4
FS1226.151	238.146	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.5, 2.12
FS1226.152	238.147	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.12, 6.3, 6.4
FS1226.153	238.148	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.5, 2.12
FS1226.17	238.12	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.1
FS1226.21	238.16	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.22	238.17	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.23	238.18	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.24	238.19	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.25	238.20	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.26	238.21	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.27	238.22	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.28	238.23	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.29	238.24	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.30	238.25	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.31	238.26	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.32	238.27	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.33	238.28	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.34	238.29	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.35	238.30	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.36	238.31	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.37	238.32	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.38	238.33	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.39	238.34	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.40	238.35	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.41	238.36	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.5
FS1226.42	238.37	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3, 6.5
FS1226.43	238.38	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.5
FS1226.44	238.39	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3, 6.5
FS1226.6	238.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1226.69	238.64	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.1
FS1226.7	238.2	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.1
FS1226.8	238.3	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8.1-8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.88	238.83	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8.1
FS1226.89	238.84	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8.2
FS1226.90	238.85	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	8.3, 8.5
FS1226.91	238.86	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	8.5
FS1226.93	238.88	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.5
FS1229.31	806.93	NXSki Limited	Reject	8.4
FS1229.5	361.5	NXSki Limited	Accept in part	3.3
FS1234.139	238.134	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.1
FS1234.140	238.135	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.15
FS1234.141	238.136	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.2
FS1234.142	238.137	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.143	238.138	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.144	238.139	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1234.145	238.140	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1234.146	238.141	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.6
FS1234.147	238.142	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.9
FS1234.148	238.143	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.12
FS1234.149	238.144	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.5, 2.12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.150	238.145	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.20, 6.3, 6.4
FS1234.151	238.146	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.5, 2.12
FS1234.152	238.147	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.12, 6.3, 6.4
FS1234.153	238.148	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.5, 2.12
FS1234.17	238.12	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.1
FS1234.21	238.16	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.22	238.17	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.23	238.18	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.24	238.19	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.25	238.20	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.26	238.21	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.27	238.22	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.28	238.23	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.29	238.24	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.30	238.25	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.31	238.26	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.32	238.27	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.33	238.28	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.34	238.29	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.35	238.30	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.36	238.31	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.37	238.32	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.38	238.33	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.39	238.34	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.40	238.35	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.41	238.36	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5
FS1234.42	238.37	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3, 6.5
FS1234.43	238.38	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5
FS1234.44	238.39	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3, 6.5
FS1234.6	238.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1234.69	238.64	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.1
FS1234.7	238.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.1
FS1234.8	238.3	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8.1-8.7
FS1234.88	238.83	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.89	238.84	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8.2
FS1234.90	238.85	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	8.3, 8.5
FS1234.91	238.86	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	8.5
FS1234.93	238.88	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5
FS1235.15	307.1	Jet Boating New Zealand	Accept in part	3.14, 8.8
FS1239.139	238.134	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.1
FS1239.140	238.135	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.15
FS1239.141	238.136	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.2
FS1239.142	238.137	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.143	238.138	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.144	238.139	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.5, 6.3, 6.4
FS1239.145	238.140	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.5, 6.3, 6.4
FS1239.146	238.141	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.6
FS1239.147	238.142	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.9
FS1239.148	238.143	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.12
FS1239.149	238.144	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.5, 2.12
FS1239.150	238.145	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.20, 6.3, 6.4
FS1239.151	238.146	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.5, 2.12
FS1239.152	238.147	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.12, 6.3, 6.4
FS1239.153	238.148	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.5, 2.12
FS1239.17	238.12	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.1
FS1239.21	238.16	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.22	238.17	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.23	238.18	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.24	238.19	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.25	238.20	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.26	238.21	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.27	238.22	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.28	238.23	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.29	238.24	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.30	238.25	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.31	238.26	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.32	238.27	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.33	238.28	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.34	238.29	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.35	238.30	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.36	238.31	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.37	238.32	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.38	238.33	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.39	238.34	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.40	238.35	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.41	238.36	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.5
FS1239.42	238.37	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3, 6.5
FS1239.43	238.38	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.5
FS1239.44	238.39	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3, 6.5
FS1239.6	238.1	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1239.69	238.64	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.1
FS1239.7	238.2	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.1
FS1239.8	238.3	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8.1-8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.88	238.83	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8.1
FS1239.89	238.84	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8.2
FS1239.90	238.85	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	8.3, 8.5
FS1239.91	238.86	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	8.5
FS1239.93	238.88	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.5
FS1241.139	238.134	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.1
FS1241.140	238.135	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.15
FS1241.141	238.136	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.2
FS1241.142	238.137	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.143	238.138	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.144	238.139	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.5, 6.3, 6.4
FS1241.145	238.140	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.5, 6.3, 6.4
FS1241.146	238.141	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.6
FS1241.147	238.142	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.9
FS1241.148	238.143	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.12
FS1241.149	238.144	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.5, 2.12
FS1241.150	238.145	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.20, 6.3, 6.4
FS1241.151	238.146	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.5, 2.12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.152	238.147	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.12, 6.3, 6.4
FS1241.153	238.148	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.5, 2.12
FS1241.17	238.12	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.1
FS1241.21	238.16	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.22	238.17	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.23	238.18	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.24	238.19	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.25	238.20	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.26	238.21	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.27	238.22	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.28	238.23	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.29	238.24	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.30	238.25	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.31	238.26	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.32	238.27	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.33	238.28	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.34	238.29	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.35	238.30	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.36	238.31	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.37	238.32	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.38	238.33	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.39	238.34	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.40	238.35	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.41	238.36	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.5
FS1241.42	238.37	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3, 6.5
FS1241.43	238.38	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.5
FS1241.44	238.39	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3, 6.5
FS1241.6	238.1	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1241.69	238.64	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.1
FS1241.7	238.2	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.1
FS1241.8	238.3	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8.1-8.7
FS1241.88	238.83	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8.1
FS1241.89	238.84	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8.2
FS1241.90	238.85	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	8.3, 8.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.91	238.86	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	8.5
FS1241.93	238.88	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.5
FS1242.114	238.86	Antony & Ruth Stokes	Accept	8.5
FS1242.116	238.88	Antony & Ruth Stokes	Accept in Part	6.5
FS1242.162	238.134	Antony & Ruth Stokes	Accept	2.1
FS1242.163	238.135	Antony & Ruth Stokes	Accept	2.15
FS1242.164	238.136	Antony & Ruth Stokes	Accept in part	3.2
FS1242.165	238.137	Antony & Ruth Stokes	Accept in part	2.3
FS1242.166	238.138	Antony & Ruth Stokes	Accept in part	2.3
FS1242.167	238.139	Antony & Ruth Stokes	Accept in part	3.5, 6.3, 6.4
FS1242.168	238.140	Antony & Ruth Stokes	Accept in part	3.5, 6.3, 6.4
FS1242.169	238.141	Antony & Ruth Stokes	Accept in part	2.6
FS1242.170	238.142	Antony & Ruth Stokes	Accept	2.9
FS1242.171	238.143	Antony & Ruth Stokes	Accept in part	2.12
FS1242.172	238.144	Antony & Ruth Stokes	Accept in part	2.5, 2.12
FS1242.173	238.145	Antony & Ruth Stokes	Accept in part	3.20, 6.3, 6.4
FS1242.174	238.146	Antony & Ruth Stokes	Accept in part	2.5, 2.12
FS1242.175	238.147	Antony & Ruth Stokes	Accept in part	2.12, 6.3, 6.4
FS1242.176	238.148	Antony & Ruth Stokes	Accept in part	2.5, 2.12
FS1242.29	238.1	Antony & Ruth Stokes	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1242.30	238.2	Antony & Ruth Stokes	Accept in Part	6.1
FS1242.31	238.3	Antony & Ruth Stokes	Accept in part	8.1-8.7
FS1242.40	238.12	Antony & Ruth Stokes	Accept in Part	6.1
FS1242.44	238.16	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.45	238.17	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.46	238.18	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.47	238.19	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.48	238.20	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.49	238.21	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.50	238.22	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.51	238.23	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.52	238.24	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.53	238.25	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.54	238.26	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.55	238.27	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.56	238.28	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.57	238.29	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.58	238.30	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.59	238.31	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.60	238.32	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.61	238.33	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.62	238.34	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.63	238.35	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.64	238.36	Antony & Ruth Stokes	Accept in Part	6.5
FS1242.65	238.37	Antony & Ruth Stokes	Accept in Part	6.3, 6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1242.66	238.38	Antony & Ruth Stokes	Accept in Part	6.5
FS1242.67	238.39	Antony & Ruth Stokes	Accept in Part	6.3, 6.5
FS1248.139	238.134	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.1
FS1248.140	238.135	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.15
FS1248.141	238.136	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.2
FS1248.142	238.137	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.143	238.138	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.144	238.139	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1248.145	238.140	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1248.146	238.141	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.6
FS1248.147	238.142	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.9
FS1248.148	238.143	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.12
FS1248.149	238.144	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.5, 2.12
FS1248.150	238.145	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.20, 6.3, 6.4
FS1248.151	238.146	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.5, 2.12
FS1248.152	238.147	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.12, 6.3, 6.4
FS1248.153	238.148	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.5, 2.12
FS1248.17	238.12	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.21	238.16	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.22	238.17	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.23	238.18	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.24	238.19	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.25	238.20	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.26	238.21	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.27	238.22	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.28	238.23	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.29	238.24	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.30	238.25	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.31	238.26	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.32	238.27	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.33	238.28	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.34	238.29	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.35	238.30	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.36	238.31	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.37	238.32	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.38	238.33	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.39	238.34	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.40	238.35	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.41	238.36	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5
FS1248.42	238.37	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3, 6.5
FS1248.43	238.38	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5
FS1248.44	238.39	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3, 6.5
FS1248.6	238.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1248.69	238.64	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.1
FS1248.7	238.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.1
FS1248.8	238.3	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8.1-8.7
FS1248.88	238.83	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8.1
FS1248.89	238.84	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8.2
FS1248.90	238.85	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	8.3, 8.5
FS1248.91	238.86	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	8.5
FS1248.93	238.88	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5
FS1249.139	238.134	Tweed Development Limited	Accept	2.1
FS1249.140	238.135	Tweed Development Limited	Accept	2.15
FS1249.141	238.136	Tweed Development Limited	Accept in part	3.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1249.142	238.137	Tweed Development Limited	Accept in part	2.3
FS1249.143	238.138	Tweed Development Limited	Accept in part	2.3
FS1249.144	238.139	Tweed Development Limited	Accept in part	3.5, 6.3, 6.4
FS1249.145	238.140	Tweed Development Limited	Accept in part	3.5, 6.3, 6.4
FS1249.146	238.141	Tweed Development Limited	Accept in part	2.6
FS1249.147	238.142	Tweed Development Limited	Accept	2.9
FS1249.148	238.143	Tweed Development Limited	Accept in part	2.12
FS1249.149	238.144	Tweed Development Limited	Accept in part	2.5, 2.12
FS1249.150	238.145	Tweed Development Limited	Accept in part	3.20, 6.3, 6.4
FS1249.151	238.146	Tweed Development Limited	Accept in part	2.5, 2.12
FS1249.152	238.147	Tweed Development Limited	Accept in part	2.12, 6.3, 6.4
FS1249.153	238.148	Tweed Development Limited	Accept in part	2.5, 2.12
FS1249.17	238.12	Tweed Development Limited	Accept in Part	6.1
FS1249.21	238.16	Tweed Development Limited	Accept in Part	6.3
FS1249.22	238.17	Tweed Development Limited	Accept in Part	6.4
FS1249.23	238.18	Tweed Development Limited	Accept in Part	6.4
FS1249.24	238.19	Tweed Development Limited	Accept in Part	6.4
FS1249.25	238.20	Tweed Development Limited	Accept in Part	6.3
FS1249.26	238.21	Tweed Development Limited	Accept in Part	6.3
FS1249.27	238.22	Tweed Development Limited	Accept in Part	6.3
FS1249.28	238.23	Tweed Development Limited	Accept in Part	6.3
FS1249.29	238.24	Tweed Development Limited	Accept in Part	6.3
FS1249.30	238.25	Tweed Development Limited	Accept in Part	6.4
FS1249.31	238.26	Tweed Development Limited	Accept in Part	6.3
FS1249.32	238.27	Tweed Development Limited	Accept in Part	6.4
FS1249.33	238.28	Tweed Development Limited	Accept in Part	6.4
FS1249.34	238.29	Tweed Development Limited	Accept in Part	6.4
FS1249.35	238.30	Tweed Development Limited	Accept in Part	6.4
FS1249.36	238.31	Tweed Development Limited	Accept in Part	6.4
FS1249.37	238.32	Tweed Development Limited	Accept in Part	6.4
FS1249.38	238.33	Tweed Development Limited	Accept in Part	6.4
FS1249.39	238.34	Tweed Development Limited	Accept in Part	6.4
FS1249.40	238.35	Tweed Development Limited	Accept in Part	6.4
FS1249.41	238.36	Tweed Development Limited	Accept in Part	6.5
FS1249.42	238.37	Tweed Development Limited	Accept in Part	6.3, 6.5
FS1249.43	238.38	Tweed Development Limited	Accept in Part	6.5
FS1249.44	238.39	Tweed Development Limited	Accept in Part	6.3, 6.5
FS1249.6	238.1	Tweed Development Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1249.69	238.64	Tweed Development Limited	Accept	2.1
FS1249.7	238.2	Tweed Development Limited	Accept in Part	6.1
FS1249.8	238.3	Tweed Development Limited	Accept in part	8.1-8.7
FS1249.88	238.83	Tweed Development Limited	Accept in part	8.1
FS1249.89	238.84	Tweed Development Limited	Accept in part	8.2
FS1249.90	238.85	Tweed Development Limited	Accept	8.3, 8.5
FS1249.91	238.86	Tweed Development Limited	Accept	8.5
FS1249.93	238.88	Tweed Development Limited	Accept in Part	6.5
FS1252.3	632.2	Tim & Paula Williams	Accept in part	2.10, 2.11, 3.16

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1253.5	433.47	Spark New Zealand Trading Limited	Accept in part	8.6-8.7
FS1253.6	433.48	Spark New Zealand Trading Limited	Accept in part	8.6
FS1253.7	433.49	Spark New Zealand Trading Limited	Accept in part	8.6
FS1253.8	433.50	Spark New Zealand Trading Limited	Accept in part	8.7
FS1254.1	373.6	Allenby Farms Limited	Accept in part	3.9
FS1254.108		Allenby Farms Limited	Accept	2, 2.9, 3.14
FS1254.111	145.9	Allenby Farms Limited	Accept	8.3
FS1254.114	145.12	Allenby Farms Limited	Accept in part	8.6, 8.7
FS1254.116	145.14	Allenby Farms Limited	Accept	3.16
FS1254.117	145.15	Allenby Farms Limited	Accept	3.16
FS1254.118	145.18	Allenby Farms Limited	Accept in part	8.3-8.8
FS1254.119	145.19	Allenby Farms Limited	Accept in Part	2, 2.11, 8.6
FS1254.121	145.21	Allenby Farms Limited	Accept in part	8.6
FS1254.124	145.27	Allenby Farms Limited	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
FS1254.125	145.30	Allenby Farms Limited	Accept in part	8.4
FS1254.44	706.6	Allenby Farms Limited	Accept in part	2.8
FS1254.45	706.7	Allenby Farms Limited	Accept in part	2.9
FS1254.46	706.8	Allenby Farms Limited	Accept	3.9
FS1254.47	706.9	Allenby Farms Limited	Accept in part	3.9
FS1254.48	706.10	Allenby Farms Limited	Accept	3.9
FS1254.49	706.14	Allenby Farms Limited	Accept	2.9
FS1254.50	706.15	Allenby Farms Limited	Accept	3.12
FS1254.51	706.17	Allenby Farms Limited	Accept in part	2.9
FS1254.52	706.18	Allenby Farms Limited	Accept in part	3.14
FS1255.11	414.2	Arcadian Triangle Limited	Reject	6.3
FS1255.23	238.84	Arcadian Triangle Limited	Accept in part	8.2
FS1256.19	537.1	Ashford Trust	Accept in part	2.3
FS1256.20	537.2	Ashford Trust	Accept in part	3.16
FS1256.21	537.3	Ashford Trust	Accept in part	2.11
FS1256.22	537.4	Ashford Trust	Accept in part	3.16
FS1256.23	537.5	Ashford Trust	Accept in part	2.11
FS1256.24	537.6	Ashford Trust	Accept in part	2.11
FS1256.25	537.7	Ashford Trust	Accept in part	2.11
FS1256.26	537.8	Ashford Trust	Accept in part	2.3
FS1256.27	537.9	Ashford Trust	Accept in part	3.19
FS1256.28	537.10	Ashford Trust	Accept in part	2.5, 2.12
FS1256.29	537.11	Ashford Trust	Accept in part	8.7
FS1256.30	537.12	Ashford Trust	Reject	8.7
FS1256.31	537.13	Ashford Trust	Reject	8.7
FS1256.32	537.14	Ashford Trust	Accept in part	8.3
FS1256.33	537.15	Ashford Trust	Accept	8.7
FS1256.34	537.16	Ashford Trust	Reject	8.7
FS1256.35	537.17	Ashford Trust	Reject	8.3
FS1256.36	537.18	Ashford Trust	Accept in part	8.7
FS1256.37	537.19	Ashford Trust	Accept in part	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1256.38	537.20	Ashford Trust	Reject	8.7
FS1256.39	537.21	Ashford Trust	Reject	8.7
FS1256.61	537.43	Ashford Trust	Accept in part	2.3
FS1270.69	433.45	Hansen Family Partnership	Accept in Part	6.5
FS1270.70	271.10	Hansen Family Partnership	Accept in Part	6.3, 6.5
FS1275.176	632.2	"Jacks Point" (Submitter number 762 and 856)	Accept in part	2.10, 2.11, 3.16
FS1277.6	632.2	Jacks Point Residents and Owners Association	Accept in part	2.10, 2.11, 3.16
FS1282.10	355.9	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.100	621.32	Longview Environmental Trust	Accept	8.7
FS1282.101	621.33	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.102	621.34	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.104	716.12	Longview Environmental Trust	Accept in part	2.11
FS1282.105	716.13	Longview Environmental Trust	Accept in part	3.16
FS1282.106	805.27	Longview Environmental Trust	Accept in part	2.11
FS1282.107	805.28	Longview Environmental Trust	Accept in part	3.16
FS1282.108	805.41	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.109	805.42	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.11	355.10	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.110	805.43	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.111	805.44	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.12	355.11	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.13	355.12	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.14	355.18	Longview Environmental Trust	Accept in part	8.6
FS1282.15	375.1	Longview Environmental Trust	Accept in part	2.3
FS1282.16	375.2	Longview Environmental Trust	Accept in part	2.11
FS1282.17	375.3	Longview Environmental Trust	Accept in part	3.16
FS1282.18	375.4	Longview Environmental Trust	Accept in part	2.3
FS1282.19	375.5	Longview Environmental Trust	Accept in part	3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.2	355.1	Longview Environmental Trust	Accept in Part	2.11, 3.15
FS1282.20	375.6	Longview Environmental Trust	Accept in part	3.19
FS1282.21	375.7	Longview Environmental Trust	Accept in part	8.2
FS1282.22	375.8	Longview Environmental Trust	Accept in part	8.3-8.6
FS1282.23	375.9	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.24	375.10	Longview Environmental Trust	Accept in part	8.6
FS1282.25	375.11	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.26	375.12	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.27	375.13	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.28	375.14	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.29	378.5	Longview Environmental Trust	Accept in part	2.11
FS1282.3	355.2	Longview Environmental Trust	Accept in part	2.11
FS1282.30	378.6	Longview Environmental Trust	Accept in part	2.11
FS1282.32	378.14	Longview Environmental Trust	Accept in part	8.6
FS1282.33	378.15	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.34	378.16	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.35	378.17	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.36	378.18	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.37	378.19	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.38	378.20	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.39	378.21	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.4	355.3	Longview Environmental Trust	Accept in part	3.16
FS1282.40	378.22	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.43	378.33	Longview Environmental Trust	Accept in part	8.4, 8.6
FS1282.44	502.1	Longview Environmental Trust	Accept in part	2.11

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.45	502.2	Longview Environmental Trust	Accept in part	2.11
FS1282.46	502.3	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.47	502.4	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.48	519.8	Longview Environmental Trust	Accept in part	3.18
FS1282.49	519.15	Longview Environmental Trust	Accept in part	2.11
FS1282.5	355.4	Longview Environmental Trust	Accept in part	8.3-8.6
FS1282.50	519.16	Longview Environmental Trust	Accept in part	3.16
FS1282.51	519.17	Longview Environmental Trust	Accept in part	3.16
FS1282.52	519.18	Longview Environmental Trust	Accept in part	2.11
FS1282.53	519.19	Longview Environmental Trust	Accept in part	3.16
FS1282.54	519.20	Longview Environmental Trust	Accept in part	2.11, 3.18
FS1282.55	519.23	Longview Environmental Trust	Accept in part	8.6
FS1282.56	519.24	Longview Environmental Trust	Reject	8.7
FS1282.57	519.25	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.58	519.26	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.59	519.27	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.6	355.5	Longview Environmental Trust	Accept in part	8.6
FS1282.60	519.28	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.61	519.29	Longview Environmental Trust	Accept	8.6
FS1282.63	581.5	Longview Environmental Trust	Accept in part	2.11
FS1282.64	581.6	Longview Environmental Trust	Accept in part	2.11
FS1282.65	581.7	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.66	581.8	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.67	581.9	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.68	581.10	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.69	581.11	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.7	355.6	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.70	581.12	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.71	598.14	Longview Environmental Trust	Accept in part	2.10
FS1282.72	598.15	Longview Environmental Trust	Accept in part	2.11
FS1282.73	598.16	Longview Environmental Trust	Accept in part	3.16
FS1282.74	598.24	Longview Environmental Trust	Accept in part	8.3, 8.6
FS1282.75	598.25	Longview Environmental Trust	Accept in part	8.6
FS1282.77	598.27	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.78	598.28	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.79	598.29	Longview Environmental Trust	Accept	8.7
FS1282.8	355.7	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.80	598.30	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.81	598.31	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.82	598.32	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.83	598.33	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.84	600.29	Longview Environmental Trust	Accept in part	2.11
FS1282.85	600.30	Longview Environmental Trust	Accept in part	3.16
FS1282.86	600.44	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.87	600.45	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.88	607.16	Longview Environmental Trust	Accept in part	2.11
FS1282.89	607.17	Longview Environmental Trust	Accept in part	3.16
FS1282.9	355.8	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.90	615.16	Longview Environmental Trust	Accept in part	3.16
FS1282.91	615.25	Longview Environmental Trust	Accept in part	2.11

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.92	621.16	Longview Environmental Trust	Accept in part	2.11
FS1282.93	621.17	Longview Environmental Trust	Accept in part	3.16
FS1282.94	621.26	Longview Environmental Trust	Accept in part	8.6
FS1282.95	621.27	Longview Environmental Trust		8.5
FS1282.96	621.28	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.97	621.29	Longview Environmental Trust	Accept in part	8.3,8.4, 8.6
FS1282.98	621.30	Longview Environmental Trust	Reject	8.3
FS1282.99	621.31	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1283.116	632.2	MJ and RB Williams and Brabant	Accept in part	2.10, 2.11, 3.16
FS1286.10	537.1	Mr M and Mrs J Henry	Accept in part	2.3
FS1286.11	537.2	Mr M and Mrs J Henry	Accept in part	3.16
FS1286.12	537.3	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.13	537.4	Mr M and Mrs J Henry	Accept in part	3.16
FS1286.14	537.5	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.15	537.6	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.16	537.7	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.17	537.8	Mr M and Mrs J Henry	Accept in part	2.3
FS1286.18	537.9	Mr M and Mrs J Henry	Accept in part	3.19
FS1286.19	537.10	Mr M and Mrs J Henry	Accept in part	2.5, 2.12
FS1286.20	537.11	Mr M and Mrs J Henry	Accept in part	8.7
FS1286.21	537.12	Mr M and Mrs J Henry	Reject	8.7
FS1286.22	537.13	Mr M and Mrs J Henry	Reject	8.7
FS1286.23	537.14	Mr M and Mrs J Henry	Accept in part	8.3
FS1286.24	537.15	Mr M and Mrs J Henry	Accept	8.7
FS1286.25	537.16	Mr M and Mrs J Henry	Reject	8.7
FS1286.26	537.17	Mr M and Mrs J Henry	Reject	8.3
FS1286.27	537.18	Mr M and Mrs J Henry	Accept in part	8.7
FS1286.28	537.19	Mr M and Mrs J Henry	Accept in part	8.7
FS1286.29	537.20	Mr M and Mrs J Henry	Reject	8.7
FS1286.30	537.21	Mr M and Mrs J Henry	Reject	8.7
FS1286.31	537.22	Mr M and Mrs J Henry	Accept	8.7
FS1286.52	537.43	Mr M and Mrs J Henry	Accept in part	2.3
FS1287.136	768.5	New Zealand Tungsten Mining Limited	Accept in part	3.3
FS1287.137	768.16	New Zealand Tungsten Mining Limited	Reject	8.5
FS1287.146	671.1	New Zealand Tungsten Mining Limited	Accept	2.15
FS1287.29	598.1	New Zealand Tungsten Mining Limited	Reject	2.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.3	373.6	New Zealand Tungsten Mining Limited	Accept in part	3.9
FS1287.30	598.2	New Zealand Tungsten Mining Limited	Accept in part	2.2
FS1287.31	598.3	New Zealand Tungsten Mining Limited	Accept in part	2.3
FS1287.32	598.4	New Zealand Tungsten Mining Limited	Accept in part	3.4
FS1287.33	598.5	New Zealand Tungsten Mining Limited	Accept in part	2.3
FS1287.34	598.6	New Zealand Tungsten Mining Limited	Reject	2.9
FS1287.35	598.7	New Zealand Tungsten Mining Limited	Accept in part	3.9
FS1287.36	598.8	New Zealand Tungsten Mining Limited	Reject	2.9
FS1287.37	598.9	New Zealand Tungsten Mining Limited	Accept in part	3.12
FS1287.38	598.10	New Zealand Tungsten Mining Limited	Accept in part	2.9
FS1287.39	598.11	New Zealand Tungsten Mining Limited	Accept in part	3.13
FS1287.4	373.12	New Zealand Tungsten Mining Limited	Reject	8.3
FS1287.40	598.12	New Zealand Tungsten Mining Limited	Accept in part	2.9
FS1287.41	598.13	New Zealand Tungsten Mining Limited	Accept in part	3.15
FS1287.42	598.14	New Zealand Tungsten Mining Limited	Accept in part	2.10
FS1287.43	598.15	New Zealand Tungsten Mining Limited	Accept in part	2.11
FS1287.44	598.16	New Zealand Tungsten Mining Limited	Accept in part	3.16
FS1287.45	598.17	New Zealand Tungsten Mining Limited	Accept in part	2.11
FS1287.46	598.18	New Zealand Tungsten Mining Limited	Accept in part	3.16
FS1287.47	598.19	New Zealand Tungsten Mining Limited	Accept in part	2.11, 3.18
FS1287.48	598.20	New Zealand Tungsten Mining Limited	Accept in part	2.3
FS1287.49	598.21	New Zealand Tungsten Mining Limited	Accept in part	3.19
FS1287.50	598.22	New Zealand Tungsten Mining Limited	Accept in part	3.19
FS1287.51	598.23	New Zealand Tungsten Mining Limited	Accept in part	8.1
FS1287.52	598.24	New Zealand Tungsten Mining Limited	Reject	8.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.53	598.25	New Zealand Tungsten Mining Limited	Accept in part	8.6
FS1287.55	598.27	New Zealand Tungsten Mining Limited	Accept in part	8.7
FS1287.56	598.28	New Zealand Tungsten Mining Limited	Accept in part	8.3
FS1287.57	598.29	New Zealand Tungsten Mining Limited	Reject	8.7
FS1287.58	598.30	New Zealand Tungsten Mining Limited	Accept in part	8.5
FS1287.59	598.31	New Zealand Tungsten Mining Limited	Accept	8.3
FS1287.60	598.32	New Zealand Tungsten Mining Limited	Accept in part	8.7
FS1287.61	598.33	New Zealand Tungsten Mining Limited	Reject	8.6
FS1287.62	598.34	New Zealand Tungsten Mining Limited	Accept in part	8.3
FS1287.63	598.35	New Zealand Tungsten Mining Limited	Accept in part	8.7
FS1287.64	598.36	New Zealand Tungsten Mining Limited	Reject	8.3
FS1287.65	598.37	New Zealand Tungsten Mining Limited	Accept	8.5
FS1287.66	598.38	New Zealand Tungsten Mining Limited	Reject	8.5
FS1287.83	706.6	New Zealand Tungsten Mining Limited	Accept in part	2.8
FS1287.84	706.8	New Zealand Tungsten Mining Limited	Accept	3.9
FS1287.85	706.9	New Zealand Tungsten Mining Limited	Accept in part	3.9
FS1287.86	706.11	New Zealand Tungsten Mining Limited	Accept	2.9
FS1287.87	706.14	New Zealand Tungsten Mining Limited	Accept	2.9
FS1287.88	706.15	New Zealand Tungsten Mining Limited	Accept	3.12
FS1287.89	706.17	New Zealand Tungsten Mining Limited	Accept in part	2.9
FS1287.90	706.18	New Zealand Tungsten Mining Limited	Accept in part	3.14
FS1287.91	706.10	New Zealand Tungsten Mining Limited	Accept	3.9
FS1292.10	537.6	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.11	537.7	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.12	537.8	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.13	537.9	Roger and Carol Wilkinson	Accept in part	3.19
FS1292.14	537.10	Roger and Carol Wilkinson	Accept in part	2.5, 2.12
FS1292.15	537.11	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.16	537.12	Roger and Carol Wilkinson	Reject	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1292.17	537.13	Roger and Carol Wilkinson	Reject	8.7
FS1292.18	537.14	Roger and Carol Wilkinson	Accept in part	8.3
FS1292.19	537.15	Roger and Carol Wilkinson	Accept	8.7
FS1292.20	537.16	Roger and Carol Wilkinson	Reject	8.7
FS1292.21	537.17	Roger and Carol Wilkinson	Reject	8.3
FS1292.22	537.18	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.23	537.19	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.24	537.20	Roger and Carol Wilkinson	Reject	8.7
FS1292.25	537.21	Roger and Carol Wilkinson	Reject	8.7
FS1292.26	537.22	Roger and Carol Wilkinson	Reject	8.7
FS1292.47	537.43	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.5	537.1	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.50	522.1	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.51	522.2	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.52	522.3	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.53	522.4	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.54	522.5	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.55	522.6	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.56	522.7	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.57	522.8	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.58	522.9	Roger and Carol Wilkinson	Accept in part	3.19
FS1292.59	522.10	Roger and Carol Wilkinson	Accept in part	3.19
FS1292.6	537.2	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.60	522.11	Roger and Carol Wilkinson	Accept in part	2.5, 2.12
FS1292.61	522.12	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.62	522.13	Roger and Carol Wilkinson	Reject	8.7
FS1292.63	522.14	Roger and Carol Wilkinson	Reject	8.7
FS1292.64	522.15	Roger and Carol Wilkinson	Accept in part	8.3
FS1292.65	522.16	Roger and Carol Wilkinson	Accept	8.7
FS1292.66	522.17	Roger and Carol Wilkinson	Reject	8.7
FS1292.67	522.18	Roger and Carol Wilkinson	Reject	8.3
FS1292.68	522.19	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.69	522.20	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.7	537.3	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.70	522.21	Roger and Carol Wilkinson	Reject	8.7
FS1292.71	522.22	Roger and Carol Wilkinson	Reject	8.7
FS1292.72	522.23	Roger and Carol Wilkinson	Reject	8.7
FS1292.8	537.4	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.9	537.5	Roger and Carol Wilkinson	Accept in part	2.11
FS1297.5	570.5	Robert Stewart	Accept in part	8.1-8.8
FS1301.10	635.16	Transpower New Zealand Limited (Transpower)	Accept in part	2.10, 2.11, 3.16
FS1301.11	635.17	Transpower New Zealand Limited (Transpower)	Accept in part	2.10, 2.11, 3.16
FS1301.9	635.15	Transpower New Zealand Limited (Transpower)	Accept in part	3.13
FS1312.2	677.2	AG Angus	Accept	2.15
FS1312.3	677.3	AG Angus	Accept in part	2.3
FS1312.4	677.4	AG Angus	Accept in part	3.1
FS1312.6	677.6	AG Angus	Accept in part	8.3-8.8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1312.7	677.7	AG Angus	Accept in part	8.3-8.8
FS1313.1	373.5	Darby Planning LP	Accept	3.9
FS1313.45	636.4	Darby Planning LP	Accept in part	8.3-8.8
FS1313.46	643.8	Darby Planning LP	Accept in part	8.7
FS1313.47	669.8	Darby Planning LP	Accept in part	8.3-8.8
FS1313.48	706.8	Darby Planning LP	Accept	3.9
FS1313.49	706.9	Darby Planning LP	Accept in part	3.9
FS1313.50	806.40	Darby Planning LP	Accept in part	2.11, 3.18
FS1313.51	806.48	Darby Planning LP	Reject	6.3
FS1313.52	806.61	Darby Planning LP	Reject	8.5
FS1313.62	145.27	Darby Planning LP	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
FS1313.74	145.30	Darby Planning LP	Accept in part	8.4
FS1313.76	145.18	Darby Planning LP	Accept in part	8.3-8.8
FS1313.77	145.19	Darby Planning LP	Accept in Part	2, 2.11, 8.6
FS1313.79	145.30	Darby Planning LP	Accept in part	8.4
FS1316.2	632.2	Harris-Wingrove Trust	Accept in part	2.10, 2.11, 3.16
FS1320.1	355.8	Just One Life Limited	Reject	8.3
FS1320.10	355.6	Just One Life Limited	Accept in part	8.7
FS1320.11	355.7	Just One Life Limited	Accept	8.6
FS1320.12	355.11	Just One Life Limited	Accept in part	8.3, 8.6, 8.7
FS1320.18	355.18	Just One Life Limited	Accept in part	8.6
FS1320.2	355.10	Just One Life Limited	Accept in part	8.5
FS1320.3	355.9	Just One Life Limited	Reject	8.6
FS1320.4	355.12	Just One Life Limited	Reject	8.7
FS1320.5	355.1	Just One Life Limited	Accept in Part	Part B
FS1320.6	355.2	Just One Life Limited	Accept in part	2.11
FS1320.7	355.3	Just One Life Limited	Accept in part	3.16
FS1320.8	355.4	Just One Life Limited	Accept in part	8.3
FS1320.9	355.5	Just One Life Limited	Accept in part	8.6
FS1322.10	532.6	Juie Q.T. Limited	Accept in part	2.3
FS1322.11	532.7	Juie Q.T. Limited	Accept in part	3.19
FS1322.12	532.8	Juie Q.T. Limited	Accept in part	3.19
FS1322.13	532.9	Juie Q.T. Limited	Accept in part	2.5, 2.12
FS1322.14	532.10	Juie Q.T. Limited	Accept in part	8.7
FS1322.15	532.11	Juie Q.T. Limited	Reject	8.7
FS1322.16	532.12	Juie Q.T. Limited	Reject	8.7
FS1322.17	532.13	Juie Q.T. Limited	Accept in part	8.3
FS1322.18	532.14	Juie Q.T. Limited	Reject	8.7
FS1322.19	532.15	Juie Q.T. Limited	Reject	8.3
FS1322.20	532.16	Juie Q.T. Limited	Accept in part	8.7
FS1322.41	534.1	Juie Q.T. Limited	Accept in part	2.3
FS1322.42	534.2	Juie Q.T. Limited	Accept in part	2.11
FS1322.43	534.3	Juie Q.T. Limited	Accept in part	3.16
FS1322.44	534.4	Juie Q.T. Limited	Accept in part	3.16
FS1322.45	534.5	Juie Q.T. Limited	Accept in part	2.11
FS1322.46	534.6	Juie Q.T. Limited	Accept in part	2.3
FS1322.47	534.7	Juie Q.T. Limited	Accept in part	3.19
FS1322.48	534.8	Juie Q.T. Limited	Accept in part	3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1322.49	534.9	Juie Q.T. Limited	Accept in part	2.5, 2.12
FS1322.5	532.1	Juie Q.T. Limited	Accept in part	2.3
FS1322.50	534.10	Juie Q.T. Limited	Accept in part	8.7
FS1322.51	534.11	Juie Q.T. Limited	Reject	8.7
FS1322.52	534.12	Juie Q.T. Limited	Reject	8.7
FS1322.53	534.13	Juie Q.T. Limited	Accept in part	8.3
FS1322.54	534.14	Juie Q.T. Limited	Reject	8.7
FS1322.55	534.15	Juie Q.T. Limited	Reject	8.3
FS1322.56	534.16	Juie Q.T. Limited	Accept in part	8.7
FS1322.6	532.2	Juie Q.T. Limited	Accept in part	2.11
FS1322.7	532.3	Juie Q.T. Limited	Accept in part	3.16
FS1322.78	535.1	Juie Q.T. Limited	Accept in part	2.3
FS1322.79	535.2	Juie Q.T. Limited	Accept in part	2.11
FS1322.8	532.4	Juie Q.T. Limited	Accept in part	3.16
FS1322.80	535.3	Juie Q.T. Limited	Accept in part	3.16
FS1322.81	535.4	Juie Q.T. Limited	Accept in part	3.16
FS1322.82	535.5	Juie Q.T. Limited	Accept in part	2.11
FS1322.83	535.6	Juie Q.T. Limited	Accept in part	2.3
FS1322.84	535.7	Juie Q.T. Limited	Accept in part	3.19
FS1322.85	535.8	Juie Q.T. Limited	Accept in part	3.19
FS1322.86	535.9	Juie Q.T. Limited	Accept in part	2.5, 2.12
FS1322.87	535.10	Juie Q.T. Limited	Accept in part	8.7
FS1322.88	535.11	Juie Q.T. Limited	Reject	8.7
FS1322.89	535.12	Juie Q.T. Limited	Reject	8.7
FS1322.9	532.5	Juie Q.T. Limited	Accept in part	2.11
FS1322.90	535.13	Juie Q.T. Limited	Accept in part	8.3
FS1322.91	535.14	Juie Q.T. Limited	Reject	8.7
FS1322.92	535.15	Juie Q.T. Limited	Reject	8.3
FS1322.93	535.16	Juie Q.T. Limited	Accept in part	8.7
FS1324.1	807.65	The Kingston Lifestyle Family Trust	Reject	6.3
FS1329.1	615.8	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	3.1
FS1329.18	621.8	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	3.1
FS1330.1	615.8	Treble Cone Investments Limited	Accept in part	3.1
FS1330.11	621.6	Treble Cone Investments Limited	Reject	2.15
FS1333.5	621.7	Queenstown Rafting Limited	Accept in part	2.3
FS1336.4	145.29	Peninsula Bay Joint Venture	Accept in Part	6.3
FS1340.10	271.5	Queenstown Airport Corporation	Accept in part	3.5, 6.3, 6.4
FS1340.11	805.23	Queenstown Airport Corporation	Accept in part	2.5
FS1340.12	807.48	Queenstown Airport Corporation	Accept in part	3.5, 6.3, 6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1340.13	751.7	Queenstown Airport Corporation	Accept in Part	6.4
FS1340.14	805.34	Queenstown Airport Corporation	Accept in Part	6.4
FS1340.8	271.3	Queenstown Airport Corporation	Accept in part	2.3
FS1340.9	271.4	Queenstown Airport Corporation	Accept in part	2.5
FS1341.10	766.14	Real Journeys Limited	Accept	8.3
FS1341.11	766.15	Real Journeys Limited	Reject	8.8
FS1341.16	766.17	Real Journeys Limited	Reject	8.8
FS1341.17	766.16	Real Journeys Limited	Reject	8.8
FS1341.29	836.15	Real Journeys Limited	Accept in Part	2.8, 3.14
FS1341.30	836.22	Real Journeys Limited	Accept in part	8.4
FS1341.33	307.1	Real Journeys Limited	Accept in part	3.14, 8.8
FS1342.19	836.15	Te Anau Developments Limited	Accept in Part	2.8, 3.14
FS1342.20	836.22	Te Anau Developments Limited	Accept in part	8.4
FS1342.24	373.5	Te Anau Developments Limited	Accept	3.9
FS1342.25	373.6	Te Anau Developments Limited	Accept in part	3.9
FS1344.1	807.65	Tim Taylor	Reject	6.3
FS1345.13	607.6	Skydive Queenstown Limited	Reject	2.15
FS1345.14	607.7	Skydive Queenstown Limited	Accept in part	2.3
FS1345.15	607.8	Skydive Queenstown Limited	Accept in part	3.1
FS1345.16	607.10	Skydive Queenstown Limited	Accept in part	3.1
FS1345.17	607.11	Skydive Queenstown Limited	Reject	3.4
FS1345.18	607.13	Skydive Queenstown Limited	Accept in part	2.7
FS1345.19	607.12	Skydive Queenstown Limited	Accept in part	2.3
FS1345.20	607.14	Skydive Queenstown Limited	Reject	3.8
FS1345.21	607.15	Skydive Queenstown Limited	Reject	2.9
FS1345.22	621.6	Skydive Queenstown Limited	Reject	2.15
FS1345.23	621.7	Skydive Queenstown Limited	Accept in part	2.3
FS1345.24	621.8	Skydive Queenstown Limited	Accept in part	3.1
FS1345.25	621.11	Skydive Queenstown Limited	Reject	3.4
FS1345.26	621.10	Skydive Queenstown Limited	Accept in part	3.1
FS1345.27	621.13	Skydive Queenstown Limited	Accept in part	2.7
FS1345.28	621.14	Skydive Queenstown Limited	Reject	3.8
FS1345.31	716.4	Skydive Queenstown Limited	Reject	2.15
FS1345.32	716.5	Skydive Queenstown Limited	Accept in part	2.3
FS1345.33	716.6	Skydive Queenstown Limited	Accept in part	3.1
FS1345.34	716.8	Skydive Queenstown Limited	Reject	3.4
FS1346.3	807.45	Vivo Capital Limited	Accept in part	3.5
FS1347.10	145.18	Lakes Land Care	Accept in part	8.3-8.8
FS1347.11	145.19	Lakes Land Care	Accept in Part	2, 2.11, 8.6
FS1347.16	145.29	Lakes Land Care	Accept in Part	6.3
FS1347.21	373.4	Lakes Land Care	Accept in part	2.8
FS1347.22	373.5	Lakes Land Care	Accept	3.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1347.23	373.6	Lakes Land Care	Accept in part	3.9
FS1347.24	373.7	Lakes Land Care	Accept	2.9
FS1347.25	373.8	Lakes Land Care	Accept	2.9, 3.10
FS1347.26	373.9	Lakes Land Care	Accept in part	2.9
FS1347.27	373.10	Lakes Land Care	Accept in part	3.11
FS1347.8	145.12	Lakes Land Care	Accept in part	8.6, 8.7
FS1347.81	625.1	Lakes Land Care	Accept in part	2.9
FS1347.82	625.2	Lakes Land Care	Accept in part	3.14
FS1347.83	625.3	Lakes Land Care	Accept in part	2.12, 6.3, 6.4
FS1347.84	625.4	Lakes Land Care	Accept in part	3.20, 6.3, 6.4
FS1347.86	625.6	Lakes Land Care	Accept	2.15
FS1347.87	625.7	Lakes Land Care	Accept	2.15
FS1347.88	625.8	Lakes Land Care	Accept	2.15
FS1347.89	625.9	Lakes Land Care	Accept	2.15
FS1347.90	625.10	Lakes Land Care	Accept	2.15
FS1347.91	625.11	Lakes Land Care	Accept	2.15
FS1347.92	625.12	Lakes Land Care	Accept	8.4
FS1348.1	807.65	M & C Wilson	Reject	6.3
FS1349.1	430.3	X-Ray Trust	Accept in part	3.16
FS1349.10	430.6	X-Ray Trust	Accept in part	8.3, 8.7
FS1349.11	430.7	X-Ray Trust	Accept	8.7
FS1349.12	430.7	X-Ray Trust	Accept	8.7
FS1349.13	696.9	X-Ray Trust	Reject	8.7
FS1349.14	696.10	X-Ray Trust	Accept in part	8.7
FS1349.15	696.12	X-Ray Trust	Accept in part	8.7
FS1349.16	806.61	X-Ray Trust	Reject	8.3
FS1349.17	806.78	X-Ray Trust	Accept in part	8.3
FS1349.18	522.15	X-Ray Trust	Accept in part	8.3
FS1349.2	430.3	X-Ray Trust	Accept in part	3.16
FS1349.3	854.4	X-Ray Trust	Accept	2.15
FS1349.4	513.2	X-Ray Trust	Accept in part	2.11
FS1349.7	430.5	X-Ray Trust	Accept in part	8.3-8.4, 8.6-8.7
FS1349.8	430.5	X-Ray Trust	Accept in part	8.3-8.4, 8.6-8.7
FS1349.9	430.6	X-Ray Trust	Accept in part	8.3, 8.7
FS1352.16	72.3	Kawarau Village Holdings Limited	Accept	6.3
FS1356.10	519.10	Cabo Limited	Accept in part	2.3
FS1356.11	519.11	Cabo Limited	Accept in part	3.9
FS1356.12	519.12	Cabo Limited	Accept	2.9
FS1356.13	519.13	Cabo Limited	Accept	3.14
FS1356.14	519.14	Cabo Limited	Accept in part	3.15
FS1356.15	519.15	Cabo Limited	Accept in part	2.11
FS1356.16	519.16	Cabo Limited	Accept in part	3.16
FS1356.17	519.17	Cabo Limited	Accept in part	3.16
FS1356.18	519.18	Cabo Limited	Accept in part	2.11
FS1356.19	519.19	Cabo Limited	Accept in part	3.16
FS1356.20	519.20	Cabo Limited	Accept in part	2.11, 3.18
FS1356.21	519.21	Cabo Limited	Accept in part	3.18

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1356.23	519.23	Cabo Limited	Accept in part	8.6
FS1356.24	519.24	Cabo Limited	Reject	8.7
FS1356.25	519.25	Cabo Limited	Accept in part	8.3
FS1356.26	519.26	Cabo Limited	Accept in part	8.5
FS1356.27	519.27	Cabo Limited	Accept	8.3
FS1356.28	519.28	Cabo Limited	Accept in part	8.3, 8.4, 8.6
FS1356.29	519.29	Cabo Limited	Accept	8.6
FS1356.30	519.30	Cabo Limited	Accept in part	8.3
FS1356.31	519.31	Cabo Limited	Reject	8.5
FS1356.32	519.32	Cabo Limited	Accept	8.5
FS1356.8	519.8	Cabo Limited	Accept in part	3.18
FS1356.9	519.9	Cabo Limited	Accept in part	2.3
FS1364.2	677.2	John and Kay Richards	Accept	2.15
FS1364.3	677.3	John and Kay Richards	Accept in part	2.3
FS1364.4	677.4	John and Kay Richards	Accept in part	3.1

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 7

Report and Recommendations of Independent Commissioners
Regarding Chapter 27 – (Subdivision and Development)

Commissioners
Denis Nugent (Chair)
Trevor Robinson
Scott Stevens

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1. PRELIMINARY MATTERS

1.1 Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
NPSET 2008	National Policy Statement for Electricity Transmission 2008
ODP	the Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	the Proposed Regional Policy Statement for the Otago Region as modified by decisions on submissions and dated 1 October 2016
Proposed RPS (notified)	the Proposed Regional Policy Statement for the Otago Region dated 23 May 2015
QAC	Queenstown Airport Corporation
RPS	the Operative Regional Policy Statement for the Otago Region dated October 1998
UCES	Upper Clutha Environmental Society
Stage 2 Variations	the variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017

1.2 Topics Considered

2. The subject matter of this hearing was Chapter 27 of the PDP (Hearing Stream 4).
3. Chapter 27 sets out objectives, policies, rules and other provisions related to subdivision and development.
4. As notified, it was set out under the following major headings:
 - a. 27.1 – Purpose;
 - b. 27.2 – Objectives and Policies;
 - c. 27.3 – Other Provisions and Rules;

- d. 27.4 – Rules – Subdivision;
- e. 27.5 – Rules – Standards for Subdivision Activities;
- f. 27.6 – Rules – Exemptions;
- g. 27.7 – Location – Specific Objectives, Policies and Provisions;
- h. 27.8 – Rules – Location Specific Standards;
- i. 27.9 – Rules – Non-Notification of Applications;
- j. 27.10 – Rules – General Provisions;
- k. 27.11 – Rules – Natural Hazards;
- l. 27.12 – Financial Contributions.

1.3 Hearing Arrangements

5. Hearing of Stream 4 took place over five days. The Hearing Panel sat in Queenstown on 25-26 July and 1-2 August 2016 inclusive and in Wanaka on 17 August 2016.

6. The parties we heard on Stream 4 were:

Council:

- Sarah Scott (Counsel)
- Garth Falconer
- David Wallace
- Nigel Bryce

Millbrook Country Club Limited¹ and RCL Queenstown Pty Limited²:

- Daniel Wells

Roland and Keri Lemaire-Sicre³:

- Keri Lemaire-Sicre

G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain⁴, Ashford Trust⁵, Bill and Jan Walker Family Trust⁶, Byron Ballan⁷, Crosshill Farms Limited⁸, Robert and Elvena Heywood⁹, Roger and Carol Wilkinson¹⁰, Slopehill Joint Venture¹¹, Wakatipu Equities Limited¹², Ayrburn Farm Estate Limited¹³, FS Mee Developments Limited¹⁴:

- Warwick Goldsmith (Counsel)
- Alexander Reid

1 Submission 696
 2 Submission 632/Further Submission 1296
 3 Further Submission 1068
 4 Submissions 534 and 535
 5 Further Submission 1256
 6 Submission 532/Further Submissions 1259 and 1267
 7 Submission 530
 8 Submission 531
 9 Submission 523/Further Submission 1273
 10 Further Submission 1292
 11 Submission 537/Further Submission 1295
 12 Submission 515/Further Submission 1298
 13 Submission 430
 14 Submission 525

- Jeff Brown (also on behalf of Hogan Gully Farming Limited¹⁵, Dalefield Trustee Limited¹⁶, Otago Foundation Trust Board¹⁷, and Trojan Helmet Limited¹⁸):
- Ben Farrell

New Zealand Transport Agency¹⁹:

- Tony MacColl

Darby Planning LP²⁰, Soho Ski Area Limited²¹, Treble Cone Investments Limited²², Lake Hayes Limited²³, Lake Hayes Cellar Limited²⁴, Mt Christina Limited²⁵, Jacks Point Residential No.2 Limited, Jacks Point Village Holdings Limited, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No.2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Limited, Henley Downs Farms Holdings Limited, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited²⁶, Glendhu Bay Trustees Limited²⁷, Hansen Family Partnership²⁸:

- Maree Baker-Galloway (Counsel)
- Chris Ferguson
- Hamish McCrostie (17 August only)

NZ Fire Service Commission²⁹ and Transpower New Zealand Limited³⁰:

- Ainsley McLeod
- Daniel Hamilton (Transpower only)

Queenstown Park Limited³¹ and Remarkables Park Limited³²:

- John Young (Counsel)

UCES³³:

- Julian Haworth

Federated Farmers of New Zealand³⁴:

- Kim Riley
- Phil Hunt

15	Submission 456
16	Submission 350
17	Submission 406
18	Further Submission 1157
19	Submission 719
20	Submission 608
21	Submission 610
22	Submission 613
23	Submission 763
24	Submission 767
25	Submission 764
26	Submission 762
27	Submission 583
28	Submission 751
29	Submission 438/Further Submission 1125
30	Submission 805/Further Submission 1301
31	Submission 806/Further Submission 1097
32	Submission 807/Further Submission 1117
33	Submission 145/Further Submission 1034
34	Submission 600/Further Submission 1132

Ros and Dennis Hughes³⁵:

- Ros Hughes
- Dennis Hughes

QAC³⁶:

- Rebecca Wolt and Ms Needham (Counsel)
- Kirsty O’Sullivan

Patterson Pitts Partners (Wanaka) Limited³⁷

- Duncan White
- Mike Botting

Aurora Energy Limited³⁸:

- Bridget Irving (Counsel)
- Nick Wyatt

7. Evidence was also pre-circulated by Ulrich Glasner (for Council), Joanne Dowd (for Aurora Energy Limited³⁹), Carey Vivian (for Cabo Limited⁴⁰, Jim Veint⁴¹, Skipp Williamson⁴², David Broomfield⁴³, Scott Conway⁴⁴, Richard Hanson⁴⁵, Brent Herdson and Joanne Phelan⁴⁶), and Nick Geddes (for Clark Fortune McDonald & Associates Limited⁴⁷).
 8. Mr Glasner was unable to attend the hearing and his evidence was adopted by David Wallace who appeared in his stead at the hearing.
 9. Ms Dowd was unable to travel to the hearing due to an unfortunate accident. In lieu of her attendance, we provided written questions for Ms Dowd, to which she responded in a Supplementary Statement of Evidence dated 5 August 2016.
 10. Messrs Vivian and Geddes were excused attendance at the hearing.
 11. Mr Jonathan Howard also provided a statement on behalf of Heritage New Zealand Pouhere Taonga⁴⁸ and requested that it be tabled.
- 1.4 Procedural Steps and Issues**
12. The hearing of Stream 4 proceeded based on the general pre-hearing directions made in the memoranda summarised in Report 1.

³⁵ Submission 340
³⁶ Submission 433/Further Submission 1340
³⁷ Submission 453
³⁸ Submission 635/Further Submission 1121
³⁹ Submission 635/Further Submission 1121
⁴⁰ Submission 481
⁴¹ Submission 480
⁴² Submission 499
⁴³ Submission 500
⁴⁴ Submission 467
⁴⁵ Submission 473
⁴⁶ Submission 485
⁴⁷ Submission 414
⁴⁸ Submission 426

13. Other procedural directions made by the Chair in relation to this hearing were:
 - a. Consequent on the Hearing Panel's Memorandum dated 1 July 2016 requesting that Council undertake a planning study of the Wakatipu Basin (Noted in Report 1), a Minute was issued directing that if the Council agreed to the Hearing Panel's request⁴⁹, submissions relating to the minimum lot sizes for the Rural Lifestyle Zone would be deferred to be heard in conjunction with hearing the results of the planning study and granting leave for any submitter in relation to the minimum lot size in the Rural Lifestyle Zone to apply to be heard within Hearing Stream 4 if they considered that their submission was concerned with the zone provisions as they apply throughout the District⁵⁰;
 - b. Granting leave for Mr Farrell's evidence to be lodged on or before 4pm on 20 July 2016;
 - c. Granting leave for Ms Dowd's evidence to be lodged on or before noon on 3 August 2016, waiving late notice of Aurora Energy Ltd.'s wish to be heard and directing that Ms Dowd supply written answers to any questions we might have of Ms Dowd on or before noon on 16 August 2016;
 - d. During the course of the hearing of submissions and evidence on behalf of Darby Planning LP and others, the submitters were given leave to provide additional material on issues that had arisen during the course of their presentation. Supplementary legal submissions and a supplementary brief of evidence of Mr Ferguson were provided. Ms Baker-Galloway, Mr Ferguson and Mr Hamish McCrostie appeared on 17 August to address the matters covered in this supplementary material.
 - e. Directing that submissions on Chapter 27 specific to Jacks Point Resort Zone would not be deferred;
 - f. Admitting a memorandum dated 18 August 2016 on behalf of UCES into the hearing record;
 - g. Extending time for Council to file its written reply to noon on 26 August 2016.

1.5 Stage 2 Variations

14. On 23 November 2017, Council publicly notified the Stage 2 Variations. Relevantly to the preparation of this report, the Stage 2 Variations included changes to a number of provisions in Chapter 27.
15. Clause 16B(1) of the First Schedule to the Act provides that submissions on any provision the subject of variation are automatically carried over to hearing of the variation.
16. Accordingly, the provisions of Chapter 27 the subject of the Stage 2 Variations have been reproduced as notified, but 'greyed out' in the revised version of Chapter 27 attached as Appendix 1 to this report, in order to indicate that those provisions did not fall within our jurisdiction

1.6 Statutory Considerations

17. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have had regard to that report when approaching our consideration of submissions and further submissions on Chapter 27.
18. Some of the matters identified in Report 1 are either irrelevant or have only limited relevance to the objectives, policies and other provisions of Chapter 27. The National Policy Statement

⁴⁹ The Hearing Panel was advised by Memorandum dated 8 July 2016 from counsel for the Council that the Council would undertake the study requested

⁵⁰ In the event, no such application was received

for Renewable Electricity Generation 2011 and the National Policy Statement for Freshwater Management 2014 are in this category. The NPSET 2008 and the NPSUDC 2016, however, are of direct relevance to some provisions of Chapter 27. The NPSUDC 2016 was gazetted after the hearing of submissions and further submissions concluded and the Chair sought written input from the Council as to whether the Council considered the provisions of the PDP that had already been the subject of hearings gave effect to the NPSUDC 2016. Counsel for the Council's 3 March 2017 memorandum concluded that the provisions of the PDP gave effect to the majority of the objectives and policies of the NPSUDC 2016, and that updated outputs from the Council's dwelling capacity model to be presented at the mapping hearings would contribute to the material demonstrating compliance with Policy PA1 of the document. We note specifically counsel for the Council's characterisation of the provisions of the NPSUDC 2016 as 'high level' or 'direction setting' rather than as providing detailed requirements. The Chair provided the opportunity for any submitter with a contrary view to express it but no further feedback was obtained. We discuss in some detail later in this report the provisions necessary to give effect to the NPSET and NPSUDC.

19. In his Section 42A Report, Mr Bryce drew our attention to particular provisions of the RPS. He noted in particular Objectives 5.4.1-5.4.4 that he described as promoting sustainable management of Otago's land resource by:

Objective 5.4.1

To promote sustainable management of Otago's land resource, in order:

- a. To maintain and enhance the primary production capacity and life-supporting capacity of land resources; and*
- b. To meet the present and reasonably foreseeable needs of Otago's people and communities;*

Objective 5.4.2

To avoid, remedy or mitigate degradation of Otago's natural physical resources resulting from activities utilising the land resource;

Objective 5.4.3

To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development."

20. He also noted Objective 9.3.3 and 9.4.3 (Built environment) and the related policies as being relevant as seeking *"to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources, and promote the sustainable management of infrastructure."*
21. Mr Bryce also drew to our attention a number of provisions of the Proposed RPS (notified). By the time we came to consider our report, decisions had been made by Otago Regional Council on this document which superseded the provisions referred to us by Mr Bryce. We have accordingly had regard to the Proposed RPS provisions dated 1 October 2016.
22. We note, in particular, the following objectives of the Proposed RPS:

Objective 1.1

Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.

Objective 2.1

The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions.

Objective 2.2

Kai Tahu values, interests and customary resources are recognised and provided for.

Objective 3.1

The values of Otago's natural resources are recognised, maintained and enhanced.

Objective 3.2

Otago's significant and highly-valued natural resources are identified, and protected or enhanced.

Objective 4.1

Risk that natural hazards poised to Otago communities are minimised.

Objective 4.2

Otago's communities are prepared for and able to adapt to the effects of climate change.

Objective 4.3

Infrastructure is managed and developed in a sustainable way.

Objective 4.4

Energy supplies to Otago's communities are secure and sustainable.

Objective 4.5

Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments.

Objective 5.1

Public access to areas of value to the community is maintained or enhanced.

Objective 5.2

Historic heritage resources are recognised and contribute to the region's character and sense of identity.

Objective 5.3

Sufficient land is managed and protected for economic production.

Objective 5.4

Adverse effects of using and enjoying Otago's natural and physical resources are minimised.

23. For each of the above objectives, there are specified policies that also need to be taken into account. Some of the policies of the Proposed RPS are particularly relevant to subdivision and development. We note at this point:
- a. Policy 1.1.2 Economic wellbeing:
Provide for the economic wellbeing of Otago's people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those

activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement;

b. Policy 2.1.2 Treaty principles:

Ensure that local authorities exercise their functions and powers, by:...

g) Ensuring that District and Regional Plans:

- i. Give effect to the Nga Tahu Claims Settlement Act 1998;*
- ii. Recognise and provide for statutory acknowledgement areas in Schedule 2;*
- iii. Provide for other areas in Otago that are recognised as significant to Kai Tahu....;*

c. Policy 2.2.2 Recognising sites of cultural significance:

“Recognise and provide for wahi tupuna, as described in Schedule 1C by all of the following:

- a. Avoiding significant adverse effects on those values which contribute to wahi tupuna being significant;*
- b. Avoiding, remedying, or mitigating other adverse effects on wahi tupuna;*
- c. Managing those landscapes and sites in a culturally appropriate manner.”*

d. Policy 3.1.7 Soil values:

“Manage soils to achieve all of the following:....

f) Maintain or enhance soil resources for primary production.....”

e. Policy 3.2.18 Managing significant soil:

“Protect areas of significant soil, by all of the following:....

- c) Recognising that urban expansion on significant soils may be appropriate due to location and proximity to existing urban development and infrastructure....”*

f. Policy 4.1.5 Natural hazard risk:

“Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a. The risk posed, considering the likelihood and consequences of natural hazard events;*
- b. The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*
- c. The community’s tolerance of that risk, now and in the future, including the community’s ability and willingness to prepare for and adapt to that risk, and to respond to an event;*
- d. The changing nature of tolerance to risk;*
- e. Sensitivity of activities to risk;*

g. Policy 4.3.2 Nationally and regionally significant infrastructure:

“Recognise the national and regional significance of all of the following infrastructure:

- a. *Renewable electricity generation activities, where they supply the National Electricity Grid and local distribution network;*
 - b. *Electricity transmission infrastructure;*
 - c. *Telecommunication and radiocommunication facilities;*
 - d. *Roads classified as being of national or regional importance;*
 - e. *Ports and airports and associated navigation infrastructure;*
 - f. *Defence facilities;*
 - g. *Structures for transport by rail.”*
- h. Policy 4.3.4 Protecting nationally and regionally significant infrastructure:
- “Protect the infrastructure of national or regional significance, by all the following:*
- a. *Restricting the establishment of activities that may result in reverse sensitivity effects;*
 - b. *Avoiding significant adverse effects on the functional needs of such infrastructure;*
 - c. *Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure;*
 - d. *Protecting infrastructure corridors from sensitive activities, now and for the future.”*
- i. Policy 4.4.5 Electricity distribution infrastructure:
- “Protect electricity distribution infrastructure, by all the following:*
- a. *Recognise the functional needs of electricity distribution activities;*
 - b. *Restricting the establishment of activities that may result in reverse sensitivity effects;*
 - c. *Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*
 - d. *Protecting existing distribution corridors for infrastructure needs, now and for the future;*
- j. Policy 4.5.1 Managing for urban growth and development
- “Manage urban growth and development in a strategic and co-ordinated way, by all of the following.....*
- c. *Identifying future growth areas and managing subdivision, use and development of rural land outside these areas to achieve all of the following:*
 - i. *Minimise adverse effects on rural activities and significant soils;*
 - ii. *Minimise competing demands for natural resources;*
 - iii. *Maintain or enhance significant biological diversity, landscape or natural character values;*
 - iv. *Maintain important cultural historic heritage values;*
 - v. *Avoid land with significant risk from natural hazards;....*
 - e. *Ensuring efficient use of land...*
 - g. *Giving effect to the principles of good urban design in Schedule 5;*
 - h. *Restricting the location of activities that may result in reverse sensitivity effects on existing activities.”*
- k. Policy 4.5.3 Urban design:
- “Encourage the use of Schedule 5 good urban design principles in the subdivision and development of urban areas.”*
- l. Policy 4.5.4: Low impact design:

“Encourage the use of low impact design techniques in subdivision and development to reduce demand on stormwater, water and wastewater infrastructure and reduce potential adverse environmental effects.”

m. Policy 4.5.5: Warmer buildings:

“Encourage the design of subdivision and development to reduce the adverse effects of the region’s colder climate, and higher demand and costs for energy, including maximising the passive solar gain.”

n. Policy 5.3.1: Rural activities:

“Manage activities in rural areas, to support the region’s economy in communities, by all of the following:

- a. Minimising the loss of significant soils;*
- b. Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;*
- c. Minimising the subdivision of productive rural land to smaller lots that may result in rural residential activities;*
- d. Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.”*

24. The Proposed RPS is a substantial document. Noting the above policies does not mean that the other policies in the Proposed RPS are irrelevant. We have taken all objectives and policies of the Proposed RPS into account and discuss them further, when relevant to specific provisions.
25. Mr Bryce reminded us of the existence of the Iwi Management Plans noted in Report 1. He did not, however, draw our attention to any particular provision of any of those Plans as being relevant to the matters covered in Chapter 27 and no representatives of the Iwi appeared at the hearing.
26. Consideration of submissions and further submissions on Chapter 27 has also necessarily taken account of the Hearing Panel’s recommendations in Reports 2 and 3 as to appropriate amendments to the Strategic Chapters of the PDP (that is to say Chapters 3, 4, 5 and 6. We note in particular the following provisions:

Objective 3.2.2.1:

“Urban Development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;*
- b. build on historical urban settlement patterns;*
- c. achieve a built environment that provides desirable, healthy and safe places to work and play;*
- d. minimise the natural hazard risk taking into account the predicted effects of climate change;*
- e. protect the District’s rural landscapes from sporadic and sprawling development;*
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*
- g. contain a high quality network of open spaces and community facilities; and*

h. be integrated with existing, and planned future, infrastructure.”

Policy 3.3.24

“Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.”

Policy 3.3.26

“That subdivision and/or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.”

27. The tests posed in section 32 form a key part of our review of the objectives, policies, rules and other provisions of Chapter 27 of the PDP. We refer to and adopt the discussion of section 32 in the Hearing Panel’s Report 3. In particular, for the same reasons as are set out in Report 3, we have incorporated our evaluation of changes to the notified Chapter 27 into the report that follows rather than provide a separate evaluation meeting the requirements of section 32AA.
28. We note that the material provided to us by the Council did not include a quantitative analysis of costs and benefits either of the notified Chapter 27, or of the subsequent changes Mr Bryce proposed to us. We queried counsel for the Council on this aspect when she opened the hearing and were told that Council did not have the information to undertake such an analysis. None of the submitters who appeared before us provided us with quantitative evidence of costs and benefits of the amendments they proposed either. When we discussed with Ms Baker-Galloway whether her clients would be able to provide us with such evidence, she advised that any information they could provide would necessarily be limited to their own sites and therefore too confined to be useful.
29. We have accordingly approached the application of section 32(2) on the basis that a quantitative evaluation of costs and benefits of the different alternatives put to us is not practicable.
- 1.7 **Scope Issue – Activity Status of Residential Subdivision and Development within ONLs and ONFs**
30. The submissions and evidence of Mr Julian Haworth at the hearing on behalf of UCES sought that residential subdivision and/or development within ONLs and ONFs should be ascribed non-complying activity status. We discussed with Mr Haworth during his appearance whether we had jurisdiction to entertain his request given the terms on which the submission filed by UCES on the PDP had been framed. Mr Haworth’s subsequent Memorandum of 18 August drew our attention to the potential relevance of a further submission made by UCES (on a submission by Darby Planning LP) to this issue.
31. In the legal submissions in reply on behalf of the Council, it was submitted that there was no scope for us to consider the UCES request in this regard.
32. Mr Haworth requested that we make a decision specifically on this point. In summary, we have concluded that counsel for the Council is correct and we have no jurisdiction to entertain Mr Haworth’s request on behalf of UCES. Our reasons follow.

33. The legal submissions on behalf of counsel for the Council in reply summarised the legal principles relevant to determining the scope of our inquiry⁵¹.
34. In summary, a two stage inquiry is required:
- a. What do submissions on the PDP provisions seek? and
 - b. Is what submissions on the PDP seek itself within the scope of the inquiry – put colloquially, are they “on” the PDP?
35. The second point arises in relation to proposed plans that are limited by subject matter or by geography. Here, there is no doubt that Chapter 27 provides rules that govern residential subdivision within ONLs and ONFs as defined by other provisions in the PDP and so, subject to possible issues arising from the interpretation of the High Court decision in *Palmerston North City Council v Motor Machinists Limited*⁵², the UCES request would not fail a jurisdictional inquiry on that ground.
36. The larger issue turns on what it is that are sought by submissions. In determining this question, the cases establish a series of interpretative principles summarised by counsel for the Council as follows:
- a. *The paramount test is whether or not amendments [sought to a Proposed Plan] are ones which are raised by and within the ambit of what is fairly and reasonably raised in submissions on the PDP. This would usually be a question of degree to be judged by the terms of the PDP and the content of submissions*⁵³.
 - b. *Another way of considering the issue is whether the amendment can be said to be a “foreseeable consequence” of the relief sought in a submission; the scope to change a Plan is not limited by the words of the submission*⁵⁴;
 - c. *Ultimately, it is a question of procedural fairness, and procedural fairness extends to the public as well as to the submitter*⁵⁵.”
37. Thus far, we agree that counsel for the Council’s submissions accurately summarised the relevant legal principles. Those submissions, however, go on to discuss whether a submitter may rely on the relief sought by another submitter, on whose submission they have not made a further submission, in order to provide scope for their request. The Hearing Panel has previously received submissions on this point in both the Stream 1 and Stream 2 hearings from counsel for the Council. Counsel’s Stream 4 reply submissions cross referenced the legal submissions in reply in the Stream 2 hearing and submitted that:
- “To the extent that a submitter has not sought relief in their submission and/or has not made a further submission on specific relief, it is submitted that the submitter could not advance relief.”*
38. This is contrary to the position previously put to the Hearing Panel by counsel for the Council. Those previous submissions said that while a submitter cannot derive standing to appeal decisions on a Proposed Plan by virtue of the submissions of a third party that they have not

⁵¹ Refer Council Reply legal submissions at 13.2-13.4

⁵² [2014] NZRMA 519

⁵³ *Countdown Properties (Northland) Limited v Dunedin City Council* [1994] NZRMA 145, and 166

⁵⁴ *Westfield (NZ) Ltd v Hamilton City Council* [2004] NZRMA 556, and 574-575

⁵⁵ *Ibid*, at 574

lodged a further submission on, if a submitter advances submissions and/or evidence before the Hearing Panel in relation to relief sought by a second submitter, the Hearing Panel can properly consider those submissions/evidence. This is based on the fact that the Hearing Panel's jurisdiction to make recommendations is circumscribed by the limits of all of the submissions that have been made on the Proposed Plan. In a subsequent hearing (on Stream 10), counsel for the Council confirmed that her position was correctly stated in the Stream 1 and 2 hearings.

39. It follows that if any submission, properly construed, would permit us to alter the status of residential subdivision and development within ONLs and ONFs to non-complying, we should consider Mr Haworth's submissions and evidence on that point, although we accept that if jurisdiction to consider the point depends on a submission other than that of UCES, and on which UCES made no further submission, that might go to the weight we ascribe to Mr Haworth's submissions and evidence (a related submission made by counsel for the Council).
40. As the Hearing Panel noted in its Report 3, we do not need to consider whether, if we conclude some third party's submission provides jurisdiction, UCES will have jurisdiction to appeal our decision on the point, that being a matter properly for the Environment Court, if and when the issue arises.
41. Focussing then on the provisions of the notified PDP as the starting point, the activity status of subdivisions was governed by Rules 27.4.1-27.4.3 inclusive.
42. Rule 27.4.1. was a catchall rule providing that all subdivision activities are discretionary activities, except otherwise as stated.
43. Rule 27.4.2 specified a number of subdivision activities that were non-complying activities. Residential subdivision within ONLs and ONFs may have been deemed to be non-complying under one of the subparts of Rule 27.4.2 (e.g. because it involved the subdivision of a building platform), but not generally so.
44. Rule 27.4.3 provided that subdivision undertaken in accordance with a structure plan or spatial layout plan identified in the District Plan had restricted discretionary activity status. The structure plans and special layout plans identified in the District Plan are of limited areas in the District. Clearly, they do not cover all of the ONLs and ONFs as mapped in the notified PDP.
45. It follows that as notified, residential subdivisions within ONLs and ONFs would usually fall within the default classification provided by Rule 27.4.1 and be considered as discretionary activities.
46. UCES did not make a submission seeking amendment to any of Rules 27.4.1-27.4.3 inclusive. The submission that Mr Haworth referred us to focusses on the section 32 reports supporting the PDP. Paraphrasing the reasons for the UCES submission in this regard, they noted:
 - a. The section 32 reports do not refer to non-complying status in relation to residential subdivision and development;
 - b. A March 2015 draft of the PDP proposed to make residential subdivision and development non-complying within ONLs and ONFs;
 - c. A 2009 monitoring report referred to non-complying status within ONLs and ONFs as an option;
 - d. Failure to discuss the issue is a critical flaw in the section 32 analysis.

47. The relief sought by UCES in relation to this submission was worded as follows:

“The Society, seeks that the S.32 Landscape Evaluation Report be re-written containing discussion of the costs and benefits associated with the option of residential subdivision and development becoming non-complying versus the option of it being discretionary, as required by S.32 of the Act and especially S.32(2).

The S.32 Landscape Evaluation Report, once rewritten, should then be publicly notified. The Society seeks that the 40 working day submission period should apply to the rural part of the Proposed District Plan from the date of renotification of the rewritten S.32 Landscape Evaluation Report.”

48. In the summary of submissions publicly notified by the Council, the UCES submission was listed as a submission on Rule 27.4.1. The summary of submission read:

“Expresses concern regarding the Discretionary Activity status within Outstanding Natural Landscapes and Outstanding Natural Features; and the change from a proposed non-complying activity status which was indicated in the March 2015 Draft District Plan. The Society seeks that the s32 Landscape Evaluation Report be re-written containing discussion of the costs and benefits associated with the option of residential subdivision and development becoming non-complying versus discretionary. The s.32 Landscape Evaluation Report should then be publicly notified with a 40 working day submission period.”

49. Against this background, counsel for the Council submitted that amendment to the activity status of subdivision in the manner sought by UCES was not a reasonably foreseeable consequence of the UCES submissions and relief. In particular, it was argued that other submitters could not have identified that non-complying status was a likely or even possible consequence of the relief and, as such, could be prejudiced by the outcome now sought by UCES.

50. Counsel did not, however, explain how her submission could be reconciled against the fact that there were two further submissions⁵⁶ that state the further submitters’ opposition to the UCES position that subdivision in ONLs and ONFs be non-complying. We note also that a third further submission⁵⁷ opposed the relief described within the summary of submissions, while stating that this was not part of the package of relief sought in UCES’s submission.

51. We think that the last further submission (from Darby Planning LP) made a valid point. The summary of submissions recorded a position being taken in the UCES submission that, at best, is implicit. The further submitters similarly seem to have read between the lines in the summary of submissions, inferring where the argument might go, rather than reading what the submission actually said. It should not be necessary for interested parties to guess where a submission might be taken. While submissions are not to be read literally or legalistically, the substance of what is sought should be reasonably clear.

52. Stepping back and looking at the submission, we think it was misconceived from the outset. While a submission may attack the way in which a section 32 evaluation has been carried out, as we observed to Mr Howarth at the hearing, this is only a means to an end. The reason for attacking the section 32 evaluation is to form the basis of a challenge to the objective, policy, rule or other method supposedly supported by the section 32 evaluation. The link between

⁵⁶ Further Submissions 1029 and 1097

⁵⁷ Further Submission 1313

the two is illustrated by section 32A of the Act which states that a challenge to a plan provision on the basis that the section 32 evaluation is flawed may only be made in a submission **on the Plan**⁵⁸. The section 32 analysis is not part of the PDP.

53. The solution to a flawed section 32 evaluation is to reassess the Plan provision sought to be changed, not to renotify the section 32 evaluation and to give the general public another opportunity to make submissions on the Plan.
54. Counsel for the Council also pointed out that the UCES submission referred only to the potential that on such renotification, submissions would be invited on the rural provisions of the Plan. While technically correct, we do not think that that is decisive.
55. The point that we are more concerned about is that on a fair and reasonable reading of the UCES submission (and indeed the summary of that submission), the public would have thought that at worst there would be another opportunity to make submissions before the activity status of residential submissions in ONLs and ONFs was changed to be more restrictive.
56. Given the advice we have received on the extent of the District currently mapped as ONL or ONF (nearly 97%), the relief now sought by UCES is a highly significant change. There is in our view considerable potential that interested parties would not have been as assiduous in reading 'between the lines' of the UCES submission as the further submitters referred to above and would be prejudiced by our embarking on a consideration of the merits of non-complying status applying to subdivision and development for residential purposes within ONLs and ONFs.
57. We have considered Mr Howarth's alternative point, made in his 18 August memorandum, which relies on a UCES further submission on Darby Planning LP's submission in relation to Rule 27.4.1.
58. The Darby Planning submission sought that Rule 27.4.1 be amended so that the default status for subdivisions is a controlled status unless otherwise stated. The submission suggested a number of areas of control as consequential changes to the proposed change of status.
59. The UCES further submission stated in relation to aspects of the Darby Planning submission related to subdivision and development:

"The Society opposes the entire submission in paragraphs 23-29, and in particular the request that rural subdivisions and development become a controlled activity. The Society seeks that this part of the submission is entirely disallowed."
60. The further submission went on, however, to note the potential significance of proposed legislative changes which, if adopted, would have the result that discretionary activity subdivisions would not be publicly notified⁵⁹, and stated:

"The Society is changing its position from that in its Primary Submission and it now seeks that all rural zone subdivision and development becomes non-complying."
61. The first thing to note is that UCES viewed this as a change from its primary submission. Clearly, the Society did not regard its submission as already raising this relief.

⁵⁸ See clause 6 of the First Schedule to the Act. Emphasis added.

⁵⁹ The provision in question was Clause 125 of the Resource Legislation Amendment Bill 2015

62. Addressing the ability of a further submission to provide a jurisdictional basis for the relief sought, a further submission is not an appropriate vehicle to advise of substantive changes of position. This point is considered in greater detail in the Hearing Panel's Report 3, but in summary, clause 8(2) of the First Schedule to the Act states that a further submission must be limited to a matter in support of or in opposition to the relevant submission.
63. Clearly this particular further submission was in opposition to the relevant submission. It sought that the relevant submission be disallowed. If the Darby Planning LP submission was disallowed, the end result would be that Rule 27.4.1 would remain as notified, that is to say that unless otherwise stated, subdivision activities in ONLs and ONFs would be discretionary activities. A further submission cannot found jurisdiction in the manner that Mr Haworth sought.
64. We have considered, given the discussion above, whether any other submissions might provide jurisdiction for the relief now sought by UCES. There were a very large number of submissions seeking that Rule 27.4.1 be amended. The vast majority of those submissions sought, like Darby Planning LP, that the default status for subdivisions in the District be controlled activity status. Clearly those submissions do not provide jurisdiction for the relief UCES sought. They sought to move the rule in the opposite direction to that which UCES sought.
65. There are a number of more general submissions that sought that the entire Chapter 27 of the PDP be deleted and replaced with Chapter 15 of the ODP⁶⁰. Under Chapter 15 of the ODP, the only non-complying subdivision activities are those falling within Rule 15.2.3.4. That rule related to a series of specific situations and does not support the UCES relief either.
66. Having reviewed all of the submissions on these Rules, none that we can identify provide jurisdictional support for the relief now sought by UCES.
67. We have therefore concluded that the altered relief now sought by UCES is outside the scope of any submission and cannot be considered further as the basis for any recommendation we might make on the final form of Chapter 27.
68. Before leaving the point, we should observe that had we identified any jurisdictional basis for Mr Haworth's submissions, there is considerable merit in the point he sought to make.
69. The Hearing Panel's Report 3 canvassed the material relevant to the strategic objectives and policies governing activities within and affecting ONLs and ONFs and concluded that the appropriate response would provide a high level of protection to those landscapes and features.
70. Against that background, discretionary activity status for subdivision and development associated with new residential activities being established in ONL's and ONFs appears somewhat incongruous. The Environment Court identified in relation to the ODP that discretionary activity status was an issue and sought to make it clear that that status had been applied in that context to activities in ONLs and ONFs because those activities are

⁶⁰ E.g. Submissions 497, 512, 513, 515, 520, 522, 523, 525, 527, 529, 530, 531, 532, 534, 535, 536, 537, 608

inappropriate in almost all locations within the zone⁶¹. As the Court noted⁶², it was necessary to displace the inferences that would otherwise follow from discretionary activity status. The Court also observed that if it had not been able to make clear that discretionary activity status was being used in that manner, non-complying status would have been appropriate.

71. In our view, it would be more consistent with the policy framework we have recommended, and arguably more transparent, if subdivision and development for the purposes of residential activities in ONLs and ONFs was a non-complying activity. Had we had jurisdiction, we would likely have recommended non-complying status for residential subdivision and development in ONLs and ONFs for this reason.
72. Mr Haworth drew our attention to another reason why, in our view, Council should consider this issue further.
73. At the time of our hearing, Parliament had before it the Resource Legislation Amendment Bill 2015. Among the amendments proposed was a change to the notification provisions that, as Mr Haworth observed, would mean that other than in special circumstances applications for subdivision consents would not be publicly notified unless they were non-complying activities. Mr Haworth expressed concern that this result would apply to residential development within the ONLs and ONFs. As noted above, this foreshadowed legislative change prompted a change in position from UCES.
74. The Resource Legislation Amendment Bill was enacted⁶³ in April 2017. As we read them, the notification provisions would have the same effect as those of the Bill that Mr Haworth drew to our attention.
75. We infer that this legislative change reflects the usual implications to be drawn from discretionary activity status discussed by the Environment Court in its 2001 decision, rather than the special meaning in the ODP, which has effectively been rolled over into the PDP.
76. We do not regard it as satisfactory that other than in exceptional circumstances, residential subdivision and development in ONLs and ONFs is considered on a non-notified basis given the national interest⁶⁴ in their protection and the intent underlying discretionary activity status in this situation. We recommend that Council initiate a variation to the PDP to alter the rule status of this activity to non-complying.

1.8 General Matters

77. There are a number of general submissions that we should consider at the outset. The first are the submissions that sought that Chapter 27 be deleted and replaced with Chapter 15 of the ODP. We have already noted the submissions in question in the context of our discussion of the UCES scope issue.
78. The equivalent rule to rule 27.4.1 in the ODP is Rule 15.2.8.1 which provides that the default status for subdivision is controlled activity status. This was at the heart of the huge bulk of submissions that we have considered on Chapter 27 and, indeed, much of the evidence and submissions we heard; namely that the default status under the ODP should not be changed.

⁶¹ ODP 1.5.3(iii)(iii)

⁶² Lakes District Landowners Society Inc v QLDC C75/2001 at [43-46]

⁶³ As the Resource Legislation Amendment Act 2017

⁶⁴ Section 6, of course, identifies it as being a matter of national interest

79. The broad relief sought in a number of submissions (that Chapter 27 revert to Chapter 15 of the ODP) necessarily includes the narrower point (as to the default status of subdivision activities). We will consider the broad point first, and address the narrower point in the next section.
80. The other set of general submissions that we should address at the outset are those that sought that the structure of the Chapter 27 be amended so it is consistent with other zones, including using tables, and ensuring that all objectives and policies are located at the beginning of the section⁶⁵.
81. Other general submissions worthy of note are submissions 693 and 702, which suggested that the objectives and policies in Chapter 27 be reordered to make it clear which are solely applicable to urban areas, and submission 696, which sought that that the number of objectives and policies in Chapter 27 be reduced.
82. Submission 817 sought that objectives D1 and D4 of the National Policy Statement for Freshwater Management 2014 be implemented in Chapter 27.
83. Lastly Submission115 sought general but more substantive relief – related to provision for cycleways and pathways, and reserves.
84. Looking first at the question as to whether Chapter 27 should simply be deleted and Chapter 15 of the ODP substituted, the evidential foundation for this submission is contained in the evidence of Messrs Brown, Ferguson and Farrell. Mr Goldsmith summarised their evidence as being that the “ODP CA [standing for Controlled Activity] regime is not complex and works well.”
85. That might be contrasted with the view set out in the section 32 report underpinning Chapter 27 which stated⁶⁶ that the ODP subdivision chapter is complicated and unwieldy. Mr Bryce, who gave planning evidence for the Council, noted the section 32 analysis, but focused his evidence more on the substance of the ODP Chapter 15 provisions that we will come to shortly.
86. Mr Goldsmith likewise sought to distinguish between the format of Chapter 15 and the substance. He accepted that the format of Chapter 15 could be improved and described⁶⁷ that aspect of the matter as follows:

“Format refers to the structure of the existing ODP Chapter 15 which follows the ‘sieve’ structure of the rest of the ODP. The ‘sieve’ structure is the approach which does not detail activity status in the likes of a Table, but requires activity status to be determined by reviewing a considerable number of plan provisions to see which layer of the multi-layered ‘sieve’ (each layer containing different size holes) catches the activity in question. This is a somewhat complex and counter-intuitive approach. It is acknowledged that the alternative PDP approach, classifying activities by reference to Tables, is clearer, more easily understood, and preferable. That is not challenged.”

87. As against that somewhat negative viewpoint, Mr Goldsmith suggested to us⁶⁸ that one of the virtues of the ODP Chapter 15 is that *“it is easy to find and apply the relevant Chapter 15*

⁶⁵ See Submissions 632, 636, 643, 688, 693, and 702. Submission 632 was the subject of a number of further submissions, but they do not appear to relate to this aspect of the submission.

⁶⁶ Section 32 Evaluation at page 8

⁶⁷ Legal submissions for GW Stalker Family Trust and others at page 3.

⁶⁸ Ibid at page 4

objectives and policies. It is rarely necessary to have recourse outside Chapter 15 to the land use Residential, RR and RL Zones.” At least in that regard, the broader structure of the PDP needs to be acknowledged. Unlike the ODP, the PDP seeks to provide strategic direction in its early chapters which guides the implementation of more detailed chapters of the PDP like Chapter 27. In Report 3, the Hearing Panel for that Stream recommended that submissions seeking that the strategic chapters be deleted and the PDP revert to the ODP approach be rejected.

88. The corollary of that recommendation is that Chapter 27 cannot operate as a code entirely separated from the balance of the PDP. Broader strategic objectives and policies need to be taken into account.
89. Further, if the subdivision chapter were to revert to the format of Chapter 15, that would be out of step with the chapters of the PDP governing specific zones which take a similar approach to Chapter 27 (indeed, some general submissions noted already seek that the format of Chapter 27 be moved even more closely into line with those other chapters).
90. Lastly, when considering the merits of the way in which Chapter 15 is constructed, we note that the final form of Chapter 15 was the subject of extensive negotiations as part of the resolution of the Environment Court appeals on the ODP. The Court confirmed the final form of Chapter 15 in a consent order, but commented⁶⁹:

“The amendments to Section 15 have been the subject of a somewhat circuitous process of assessment, reassessment and finally confirmation by the parties. Having considered the amended Section 15 now confirmed by the parties, I find that it achieves the aim of consistency with Section 5 of the plan in substance, even if its form still appears somewhat incongruous and unwieldy when compared with the rest of the Plan.”

91. This is hardly a ringing endorsement, such as would prompt us to reconsider the wisdom of a different format to the PDP approach that the parties we heard from appeared to accept is clearer and more easily understood, as well as being more consistent with the way the balance of the PDP is structured.
92. In summary, we recommend that the general submissions that sought Chapter 15 of the ODP be substituted for Chapter 27 be rejected. We emphasise that that is not the same thing as rejecting the submissions that sought incorporation of key elements of the existing ODP approach (in particular the controlled activity status for subdivisions generally). As Mr Goldsmith aptly put it, this is an issue of substance that needs to be distinguished from the format of the provisions.
93. Turning to the general submissions already noted, which sought that the structure of Chapter 27 be amended so that it has all objectives and policies together and utilises tables, those submissions were a response to the notified Chapter 27 which exhibited the following features:
 - a. It separated general objectives and policies (in section 27.2) from location-specific objectives and policies (in section 27.7);
 - b. Consequential on that division, the standards for subdivision activities were separated in a similar manner, with general standards in section 27.5 and location-specific standards in section 27.8;
 - c. The general standards in section 27.5 are a mixture of text and tabulated standards.

⁶⁹ *Wakatipu Environmental Society Inc & Others v Queenstown Lakes District Council* C89/2005 at [8]

94. In each of these respects, Chapter 27 is out of step with the detailed chapters in the balance of the PDP and Mr Bryce recommended that it be reformatted, as suggested by the submitters.
95. While consistency in formatting of the PDP is desirable, we also consider that the altered format suggested by Mr Bryce is both more logical and easier to follow. Accordingly, we agree with Mr Bryce and recommend that those submissions be accepted.
96. One consequence of such a significant reorganisation of the chapter is that it becomes difficult to track substantive changes sought in submissions, because of course, the submissions relate to the numbering in the notified chapter. In our discussion of submissions following, we will refer principally to the provision number in the submission (which in turn reflects the notified chapter), but provide in brackets the number of the comparable provision in our reformatted and revised version attached in Appendix 1.
97. The remaining general submissions noted above can be addressed more briefly.
98. As regards the submissions that sought that objectives and policies be reordered and labelled to make it clear which are solely applicable to urban areas, we formed the view during the course of the hearing that there is an undesirable degree of uncertainty as to when particular policies related just to the urban environment, given that this appeared to be the intention. We asked Mr Bryce to consider the merits of separating the district-wide objectives and policies into urban and rural sections⁷⁰. Section 3 of Mr Bryce's reply evidence canvassed the point. Mr Bryce's opinion was that while there was some merit in a separation of objectives and policies into rural and urban sections, a number of the objectives and policies apply to both, making such separation problematic. We accept Mr Bryce's point, that a complete separation is not feasible, but we think that much more clarity is required for those objectives and policies that do not apply to both rural and urban environments, as to what it is that they do apply to.
99. In summary, therefore, we recommend acceptance in part of the general submissions we have noted. We do not think a further reordering is required or desirable, but we accept that a number of the objectives and policies need to be amended to remove the ambiguity that currently exists. We will discuss the exact amendments we propose as we work through the provisions of Chapter 27.
100. While we accept the desirability of keeping the number of objectives and policies to a minimum, the Millbrook submission seeking that the number be reduced is framed too generally to be of assistance. RCL Queenstown Pty Ltd⁷¹ provided more targeted relief, listing the objectives and policies it thought should be deleted. However, Mr Wells, who gave evidence for both Millbrook and RCL, expressed broad satisfaction with the amendments Mr Bryce had recommended. While he expressed the views that further refinement might be made, he did not advance that point further, discussing specific provisions. It follows that while we have kept an eye on the potential for further culling of the objectives and policies beyond Mr Bryce's recommendations, so to minimise duplication, we have no evidential basis on which we could recommend a substantial reduction in the number of objectives and policies in Chapter 27.

⁷⁰ Following the precedent set by the Independent Hearing Panel on the Proposed Auckland Unitary Plan
⁷¹ Submission 632

101. As regards Submission 817, the submission is non-specific as to what changes might appropriately be made to Chapter 27 and the submitter did not provide us with any evidence that would assist further. Mr Bryce recommended an amendment to Policy 27.2.5.12 to provide greater linkage between subdivision management and water quality in part to address this submission. We accept that suggested change. Having reviewed the point afresh, we have not identified any other respects in which the Chapter would be amended to properly give effect to the provisions of the National Policy Statement identified by the submitter.
102. Lastly, addressing Submission 115 Mr Bryce recommended its rejection. We concur. Provision for cycleways, pathways and reserves is a point of detail to be assessed on a case by case basis under the framework of the objectives and policies of Chapter 27.

2. DEFAULT ACTIVITY STATUS

2.1 Controlled Activity?

103. A logical analysis of the submissions on Chapter 27 would start with the objectives, move to the policies, and then consider the rules to implement those policies. In this case, however, the default activity status for subdivisions dominated the submissions and was almost the sole issue in contention at the hearing. Accordingly, although it may appear counter-intuitive, we have decided to address this issue first.
104. As already noted, Rule 27.4.1 of the notified subdivision chapter provided that all subdivision activities would be discretionary activities, except as otherwise stated.
105. Although Rules 27.4.2 and 27.4.3 provided for non-complying and restricted discretionary activities respectively, these rules addressed a series of specific situations that, with one exception, were likely to be a small subset of subdivision applications. The exception was the provision in Rule 27.4.2 that subdivision not complying with the standards in sections 27.5 and 27.8 should be non-complying (other than in the Jacks Point Zone).
106. It follows that on the basis of the PDP as notified, the overwhelming majority of subdivisions that met the Chapter 27 standards would be considered as discretionary activities. One submitter supported the notified provisions⁷². Two other submissions⁷³ supported discretionary activity status for subdivision in the low density residential zone. A very large number of submitters opposed Rule 27.4.1⁷⁴. Most of those submitters sought that the default activity status be 'controlled'. Many submitters either proffered consequential changes such as suggested matters to which Council's control might be limited or sought consequential changes both to the rule and to the objectives and policies of Chapter 27 more generally.
107. Many submissions sought controlled activity status on a more targeted basis. Submission 591 sought controlled activity status for all subdivisions in the urban zones. Other submitters⁷⁵ sought controlled activity status in one or more of the urban zones. Another group of submissions focussed on the rural zones seeking that subdivision in the Rural Residential

⁷² Refer Submission 21

⁷³ Submissions 406 and 427: Opposed in FS1262

⁷⁴ The tabulated summary of the submissions and further submissions either on Rules 27.4.1-3 generally or specifically on Rule 27.4.1 occupied some 25 pages of Appendix 2 to Mr Bryce's Section 42A Report.

⁷⁵ E.g. Submissions 249, 336, 395, 399, 485, 488: Supported in FS1029, FS1061 and FS1270

and/or Rural Lifestyle zones be controlled⁷⁶. A number of submitters⁷⁷ nominated the Rural Zone as an exception to a general controlled activity position, suggesting subdivisions in that zone should remain as discretionary activities. Some submissions focussed on the special zones seeking that subdivision in the Millbrook⁷⁸ or Jacks Point⁷⁹ Zone should be controlled activities. Other variations were a submission that sought that subdivision within a proposed new subdivision at Coneburn be controlled⁸⁰ and a submission that sought that subdivisions for infill housing (one lot only) in all zones be controlled⁸¹. A group of infrastructure providers⁸² sought that subdivision for utilities be a controlled activity.

108. Some submitters were less definitive in the relief sought. Submission 748 sought either controlled or restricted discretionary activity status for complying subdivisions. Submission 277 suggested an even more nuanced position with subdivision of land in the 'Rural General Zone' being discretionary and a mix of controlled and restricted discretionary activity subdivision rules "*for rural living areas and residential zones*".
109. Some submissions sought more confined relief in the alternative. Submission 610 for instance sought a new rule providing that subdivision within the Ski Area Sub-Zones should be controlled if its primary relief (controlled activity status for all subdivisions except as otherwise stated) was rejected⁸³.
110. Many submitters did not consider the relevance of standards/conditions to activity status. Read literally, they would have the effect that all subdivisions, irrespective of subdivision design, would be controlled activities to which consent could not be refused. Many others referred to the need to comply with subdivision standards either explicitly (e.g. referring to minimum lot size requirements) or more generally. Many submitters also recognised the need for consequential amendments if the default activity status changed, in particular to the objectives and policies.
111. We have approached this issue as one of principle, considering first what the default activity status for subdivisions should be across all zones before considering (later in this report) whether particular zones (or sub-zones), or alternatively, particular types of subdivisions, need to be recognised as having characteristics warranting either more or less restrictive subdivision activity status as the case may be. Because of the breadth of the submissions on this point, a virtually infinite number of permutations would be within jurisdiction between the notified position (default discretionary status subject to specified exceptions) and all subdivisions being 'controlled' without any standards or other requirements. To keep our report within reasonable bounds, we have restricted our consideration of alternative options to those

⁷⁶ Submissions 219,283, 345, 350, 360, 396, 401, 402, 403, 415, 416, 430, 467, 476, 500, 820: Supported in FS1097, FS1164 and FS1206; Opposed in FS1034, FS1050, FS1082, FS1084, FS1086, FS1087, FS1089, FS1099, FS1199, FS1133 and FS1146

⁷⁷ Submissions 336, 497, 512, 513, 515, 520, 522, 523, 525, 527, 529, 530, 531, 532, 534, 535, 537, 608: Supported in FS1029, FS1125, FS1164, FS1259, FS1260, FS1267, FS1286, FS1322 and FS1331; Opposed in FS1034, FS1068, FS1071, FS1092, FS1097, FS1117 and FS1120

⁷⁸ Submissions 234, 346, 541: Opposed in FS1266

⁷⁹ Submission 567

⁸⁰ Submission 361 – although the reasons for this submission appear to link it to a parallel submission on notified rule 27.5.2.1 because it refers to a house already being established, prior to subdivision- Supported in FS1118 and FS1229; Opposed in FS1296

⁸¹ Submission 169

⁸² Submissions 179, 191, 421 and 781: Supported in FS1121

⁸³ Supported in FS1125

specifically the subject of submissions or which were canvassed during the course of the hearing.

112. The rationale for default discretionary status was set out in the Section 32 Evaluation accompanying the notified PDP. The key points made in the Section 32 Evaluation were that, in the view of the authors, the ODP contains insufficient emphasis on good subdivision and development design, that the ODP subdivision chapter is ineffective in encouraging good subdivision design, and that discretionary activity status would help focus on the importance of good quality subdivision design⁸⁴.
113. Mr Bryce reviewed the arguments as to the appropriate default subdivision status in his
114. Section 42A Report, concluding that the section 32 analysis had not demonstrated that a discretionary activity regime was necessarily the best mechanism to respond to subdivision in all zones. Specifically, Mr Bryce recorded his opinion that subdivisions in the Rural Residential and Rural Lifestyle Zones, and within the District's urban areas do not require the broad assessment that would follow from discretionary activity status⁸⁵.
115. Equally, however, Mr Bryce was of the opinion that a default controlled activity rule, as sought by a large number of submitters, would be not be particularly effective in responding to subdivision development within the District⁸⁶.
116. Mr Bryce saw subdivision and development within areas the subject of structure plans or spatial layout plans as being in a category of their own, justifying controlled activity status. Likewise, he recommended a controlled activity rule covering boundary adjustments. At the other end of the range, Mr Bryce recommended that subdivision and development within the Rural Zone should be a discretionary activity because of the range of potential issues in those areas. The recommendation in his Section 42A Report was, however, that the default activity status for both urban subdivision and development, and subdivision and development within the Rural Residential and Rural Lifestyle Zones, should be Restricted Discretionary (but with separate rules for each to recognise the differences between them)⁸⁷. Consequent on his recommendation, Mr Bryce suggested revised rule provisions specifying the areas within which discretion was retained, based on the areas of control sought in submissions seeking controlled activity status.
117. The argument presented for submitters at the hearing, principally by Mr Goldsmith and Ms Baker-Galloway, supported by expert planning evidence, rested on a number of related considerations, including:
 - a. The ODP regime based on a default controlled activity status had worked reasonably well.
 - b. The ODP regime provided certainty for developers. By contrast, the PDP regime created significant uncertainty.
 - c. While restricted discretionary activity status was an improvement on full discretionary status, the ambit of the matters for discretion was such that it was not materially different to a full discretionary activity status. In particular, retention of discretion over subdivision lot sizes was of particular concern because lot sizes ultimately determined the economic return from an investment in a subdivision.

⁸⁴ Refer section 32 evaluation at pages 10 and 33

⁸⁵ Section 42 Report at 10.28

⁸⁶ Section 42 Report at 10.30

⁸⁷ Noting that Mr Bryce recommended other targeted Restricted Discretionary rules

- d. The Council's reliance on urban design assessments was flawed. To the extent that analysis indicated poor urban design, that was for reasons that had little or nothing to do with the subdivision activity rule status.
 - e. Further, to the extent that issues of poor urban design in the past had been identified, those issues could be addressed within a controlled activity framework.
 - f. The concern expressed by Mr Wallace in his evidence for Council regarding the need to retain control over road widths could be addressed under section 106 of the Act.
 - g. The statistics presented by Mr Bryce as to the percentage of subdivision applications in fact considered as 'controlled' under the ODP were misleading.
118. Other views that we received included evidence on behalf of two leading survey consultancies in the District. Mr Geddes on behalf of Clark Fortune McDonald and Co indicated that the recommendations of Mr Bryce's Section 42A Report largely resolved that submitter's concerns. Mr Duncan White, giving evidence for Patterson Pitts likewise supported a restricted discretionary activity rule.
119. Mr Vivian, giving evidence on behalf of a number of submitters, also generally supported Mr Bryce's recommendations. We note, in particular, Mr Vivian's observation that while it is easy to critique urban design of historic subdivisions, it is a lot harder to ascertain if those subdivisions could have been improved had a different class of rule been applied to them at the time they were consented. Notwithstanding that qualification, Mr Vivian saw merit in a restricted discretionary activity regime, certainly for urban subdivisions, although he recommended some alterations to the proposed matters for discretion in a restricted discretionary activity rule applying to Rural Residential and Rural Lifestyle subdivisions.
120. We did not hear evidence from infrastructure providers seeking to support controlled activity status specifically for utilities.
121. At the opening of the hearing, counsel for the Council advised that Mr Bryce had reflected on the evidence which had been pre-circulated and had formed the view that discretion over lot sizes, averages and dimensions should be deleted from his proposed restricted discretionary activity rule.
122. Mr Goldsmith frankly acknowledged that if this revised recommendation were accepted, then he would accept a restricted discretionary activity rule on behalf of his clients. Ms Baker-Galloway, however, maintained an objection in principle to the restricted discretionary activity rule proposed on behalf of the submitters she represented.
123. As the hearing proceeded, the matters in dispute were progressively narrowed. We would like to express our thanks, in particular, to Mr Bryce for his readiness to consider ways in which his recommendations might be refined to meet the concerns of submitters, while still achieving the policy objectives that underpinned the notified subdivision provisions.
124. Stepping back from the issues in contention, the evidence of Mr Falconer suggests to us that, for whatever reason, the ODP provisions have not been successful in driving high quality urban design. In Mr Falconer's words, while there is some variability between subdivision, generally they are very mediocre. He thought it was particularly concerning that there were no very good examples of urban design. Against the background where, as Mr Brown noted in his evidence, the PDP has a much greater urban design flavour, especially when coupled with the strategic direction provided in Chapters 3 and 4, this suggests to us a need for something to change.

125. While there is an issue (as counsel argued) whether previous mediocre urban design is the product of subdivision activity status, we have considerable difficulty with the argument put to us by both Mr Goldsmith and Ms Baker-Galloway that good design might be enforced within a controlled activity framework. Ms Baker-Galloway cited case law to us suggesting that conditions on subdivisions might produce different lot sizes and subdivisions that look different from what is proposed⁸⁸. However, when we discussed the point with Ms Baker-Galloway, she agreed that the ambit of valid conditions is ultimately an issue of degree, which will determine whether particular issues are able to be controlled by a condition.
126. Accordingly, while counsel are correct, and the case law gives the consent authority considerable latitude to impose conditions on a resource consent application, so long as the conditions do not effectively prevent the activity taking place⁸⁹, in our view, the efficacy of those powers depends on the quality of what it is that one starts with. If the starting product is a reasonable quality design, then there will probably be scope to improve that design through discussion between the applicant and Council staff, and imposition of conditions as required to 'tweak' the design. By contrast, if the starting point is a poor quality subdivision design from a consent applicant who refuses to proffer a significantly changed (and improved) design, then in our view, it is neither practically nor legally possible for the Council to redesign a subdivision application by condition.
127. The clearest example of a need for discretion over subdivision design where the Council might need to require potentially significant changes to an applicant's design appeared to be in the width and location of internal roading networks. Mr Wallace summarised his evidence, when we discussed it with him, as being that there is no single formula to identify suitable roadworks based solely on the size of the subdivision.
128. As regards the specific issue of road widths and access issues, both Mr Goldsmith and Ms Baker-Galloway argued that this could be addressed under section 106(1)(c). That provision provides the Council with jurisdiction to refuse a subdivision consent application irrespective of the activity status of the subdivision in circumstances, among other things, where "*sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision*". Ms Baker-Galloway however could not point us to a case which has held that section 106 extends as far as road widths, as opposed to the existence of a practicable legal access.
129. She also accepted that section 106 would not answer a point that we discussed both with a number of the planning witnesses and with counsel who appeared before us that arises when the most efficient (in some cases the only practicable) access to adjacent subdividable land is via the road network of the subdivision. This situation has arisen in the past in the District⁹⁰.
130. Ultimately, though, we see the potential application of section 106 as something of a red herring. If section 106 confers the power to refuse a subdivision consent application, there is no practical difference if the District Plan similarly provides a discretion to refuse the consent on the same grounds, and good reason why it should do so – so applicants are more aware of that possibility. As Mr Goldsmith frankly acknowledged, the concern on the part of submitters

⁸⁸ She relied in particular on *Dudin v Whangarei District Council* A022/07 and *Mygind v Thames-Coromandel District Council* [2010] NZ EnvC 34

⁸⁹ Refer *Aqua King Limited v Marlborough District Council* (1998) 4ELRNZ 385 at [23]

⁹⁰ In Subdivision Consent RM130588 (Larchmont)

is that that position is not 'leveraged' to carve out a greater ambit for subdivision consents to be rejected than section 106 would provide.

131. Mr Goldsmith called valuation evidence from Mr Alexander Reid to support his submission that an excessively wide discretion (certainly the full discretionary status in the notified PDP provisions) would have a chilling effect on the economics of subdivision in the District by reason of the inability to obtain land valuations on which banks and other financiers might rely.
132. Mr Reid's evidence was helpful because he confirmed that uncertainty in consent outcomes is ultimately an issue of degree. If there is some, but not great, uncertainty, then valuers (and banks) will accept that.
133. We discussed with Mr Reid specifically the statistics that Mr Bryce had provided to us which suggested that under the ODP, approximately half the applications for subdivision consent in residential zones, and the Rural Residential Zone (and substantially more than half of the applications in the Rural Lifestyle Zone and deferred Rural Lifestyle Zone) were actually considered on the basis that they were either discretionary or non-complying. Mr Reid's evidence was that he had never regarded there being a great risk of subdivision not occurring in those zones and thus it had not been an issue to value the land⁹¹.
134. We discussed with Mr Jeff Brown and Mr Chris Ferguson whether the difference between controlled activity status and restricted discretionary activity status would have cost implications for applicants. Mr Brown's view was that costs would generally not vary, provided the points of control and discretion were the same. Mr Ferguson pointed out the potential, if the ability to decline under a restricted discretionary rule were used to force an outcome, for transaction costs to increase. He also identified the potential for a different outcome to have cost implications.
135. We had difficulty reconciling Mr Ferguson's reasoning with the legal submissions we heard from both Mr Goldsmith and Ms Baker-Galloway that the same outcomes could be achieved under a controlled activity regime as with a restricted discretionary activity regime, unless the outcome Mr Ferguson was referring to was that consent applications would be declined.
136. Perhaps more importantly, Mr Ferguson agreed that the time and cost for compiling a high quality application would likely not vary greatly either way.
137. Taking these matters into consideration, we have formed the following views.
138. First, we agree with Mr Bryce's recommendation that the full discretionary default subdivision rule in the notified Chapter 27 is not the most appropriate way in which to achieve the objectives of the PDP or (to the extent that those objectives might envisage that status) the most appropriate way to achieve the purpose of the Act. For zones in which development is envisaged, with the scale of development the subject of minimum standards, the increase in uncertainty for subdivision applicants is, in our view, not justified by the potential environmental issues that a subdivision that complies with those minimum standards might raise.

⁹¹ A view supported by the updated information provided in Mr Bryce's reply indicating that in the 6 years between 2009 and 2015 one subdivision consent application only had been declined after the exercise of the right of appeal, where applicable.

139. We also regard full discretionary status as being inconsistent with the strategic direction contained in Part Two of the Plan which seeks to enable urban development within defined Urban Growth Boundaries (recommended Policy 3.3.14) and to recognise the Rural Lifestyle and Rural Residential Zones as the appropriate planning mechanism to provide for new Rural Lifestyle and Rural Residential developments (recommended Policy 6.3.0).
140. Secondly, we agree with Mr Bryce’s recommendation that there are a number of exceptions to that general position, where retention of full discretionary activity status is justified, most obviously in the Rural and Gibbston Character Zones⁹². Those zones have no minimum lot sizes and rely on the exercise of a broad discretion to ensure that subdivision and development is consistent with the objectives and policies applying to those areas. Submitters advanced the case at the hearing that the Ski Area Sub-Zones needed to be considered separately from the balance of the Rural Zone, having characteristics justifying controlled activity status for subdivisions. We will discuss that point separately. We also discuss the other exceptions later in this report.
141. Thirdly, we agree with Mr Bryce’s recommendation that while controlled activity status may be appropriate in some specific situations, the most appropriate way to achieve the objectives of the PDP is to provide that the default activity status for subdivisions in both Urban Zones and the Rural Residential and Rural Lifestyle Zones should be restricted discretionary activity. We did not hear evidence justifying a different approach to Rural Residential and Rural Lifestyle Zones compared to urban residential zones, or indeed to distinguishing between different residential zones. The evidence we heard, as summarised above, is that the relative costs (between restricted discretionary and controlled activity status) are only likely to be material in the case of poor quality applications. In our view, the need for Council to be able to demand high quality outcomes, and to not have to accept poor applications, are key reasons for restricted discretionary activity status.
142. We do not regard utilities as one of the situations where controlled activity status would be appropriate. While subdivisions will on occasion solely relate to utilities, provision for utilities is an essential component of all subdivisions and in our view, the discretion to refuse consent (where applicable) needs to extend to the utility component. The important point (as Submission 179 notes as justification for controlled activity status) is that subdivisions for utilities are not subject to the minimum lot sizes specified for other subdivisions and this is achieved in our recommended Rules 27.6.2 and 27.7.11.
143. Fourthly, particular attention needs to be paid to limiting the matters in respect of which discretion is reserved to minimise the uncertainty for subdivision consent applicants, while providing the framework to best ensure good quality subdivision design outcomes.
144. As already noted, Mr Bryce recommended two restricted discretionary activity rules in his reply evidence to replace Rule 27.4.1 as notified. The first (now numbered 27.5.7 in our recommended version of Chapter 27) was recommended to read as follows:

“All urban subdivision activities, unless otherwise stated, within the following zones:

1. *Low Density Residential Zones;*
2. *Medium Density Residential Zones;*

⁹² Noting our previous finding that in those parts of the Rural Zone classified as ONL or ONF, residential subdivision and development might appropriately be classified as a non-complying activity and recommending Council consider initiating a variation to achieve that result.

3. *High Density Residential Zones;*
4. *Town Centre Zones;*
5. *Arrowsmith Residential Historic Management Zone;*
6. *Large Lot Residential Zones;*
7. *Local Shopping Centres;*
8. *Business Mixed Use Zones;*
9. *Queenstown Airport Mixed Use Zone.*

Discretion is restricted to the following:

- *Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land;*
- *Subdivision design and layout of lots;*
- *Property access and roading;*
- *Esplanade provision;*
- *On site measures to address the risk of natural and other hazards on land within the subdivision;*
- *Fire fighting water supply;*
- *Water supply;*
- *Stormwater design and disposal;*
- *Sewage treatment and disposal;*
- *Energy supply and telecommunications;*
- *Open space and recreation; and*
- *Ecological and natural values;*
- *Historic heritage;*
- *Easements; and*
- *Bird strike and navigational safety.*

For the avoidance of doubt, where a site is governed by a Structure Plan, spatial layout plan or concept development plan that is identified in the District Plan, subdivision activity should be assessed in accordance with Rule 27.7.1.”

145. The second rule recommended by Mr Bryce in his reply (now numbered 27.5.8) would read as follows:

“All subdivision activities in the District’s Rural Residential and Rural Lifestyle Zones.”

Discretion is restricted to all of the following:

- *In the Rural Lifestyle Zone the location of building platforms;*
- *Lot sizes and dimensions in respect of internal roading design and provision,*
- *relating to access and service easements for future subdivision on adjoining land;*
- *Subdivision design and lot layout;*
- *Property access and roading;*
- *Esplanade provision;*
- *On site measures to address the risk of natural and other hazards on land within the subdivision;*
- *Fire fighting water supply;*
- *Water supply;*
- *Stormwater disposal;*
- *Sewage treatment and disposal;*
- *Energy supply and telecommunications;*

- *Open space and recreation;*
- *Ecological and natural values;*
- *Historic heritage;*
- *Easements; and*
- *Bird strike and navigational safety.”*

146. These two suggested rules are virtually identical – the only difference in the matters to which discretion is reserved is recognition of the need to consider the location of building platforms in the Rural Lifestyle Zone – but like Mr Bryce, we think there is value in separating the rules related to subdivision in Urban Zones from those applying in the Rural Residential and Rural Lifestyle Zones, if only for clarity of coverage to lay readers of the Plan.
147. Looking first at the proposed urban subdivision rule, we recommend a minor change to the introductory wording to refer to activities otherwise “*provided for*” rather than otherwise “*stated*”. The latter suggests a more explicit reference than may always be the case.
148. Consequential changes are also required arising from recommended changes to the names of different zones in other reports to the Lower Density Suburban Residential Zone and the Airport Zone – Queenstown respectively.
149. In terms of the matters in respect of which discretion is restricted, as Mr Bryce indicated, the list of matters is largely drawn from the submissions that suggested matters for control, in the context of a proposed controlled activity rule. As Mr Goldsmith acknowledged to us at the hearing, most of these are a standard list of matters that have to be considered on any subdivision application.
150. We therefore propose to discuss on an exceptions basis, the matters where Mr Bryce proposed amended wording, inserted additional considerations, or the one point that he proposed be deleted from the rule.
151. As above, much of the discussion at the hearing focussed on the first proposed matter of discretion. Having initially (at the opening of the Council case) formed the view that this matter might be entirely deleted, Mr Bryce came around to the view that limited provision for a discretion over lot sizes and dimensions was appropriate, to address the specific issue discussed during the course of the hearing of the need for access to adjoining subdivisible land.
152. We think that the debate at the hearing got a little side-tracked by the concerns of submitters about the ambit of any discretion over lot sizes. While important, the principal consideration justifying reservation of discretion is the need to promote quality subdivision design. We propose that should be the first matter listed.
153. As above, Mr Bryce’s suggested matter of discretion is “*subdivision design and layout of lots*”. We regard the layout of lots as an aspect of subdivision design rather than a discrete issue in its own right. If the subdivision design changes, for whatever reason, the layout of lots, and indeed lot sizes (in m²) and dimensions (i.e. shape) will change correspondingly. Mr Goldsmith had no problem with that in principle. The concern he was expressing was of an explicit and separate discretion over lot sizes.
154. To put that beyond doubt, we think it would be helpful to reframe this first and primary matter of discretion as follows:

“subdivision design and any consequential effects on the layout of lots, and on lot sizes and dimensions.”

155. Like Mr Bryce, we consider that the potential need to require access to adjoining subdivisible land is a discrete issue that needs specific discretion to enable it to be properly considered. Mr Bryce’s suggested drafting focussing on lot sizes and dimensions, whereas, to us, this is the consequence of a discretion over internal roading design and provision. As well as being more logical, putting it that way round assists in meeting the concerns expressed for submitters. We also think it would also be helpful if the same consequential flow-on effect on lot layouts were identified as with subdivision design.
156. In summary, we recommend that the relevant point of discretion be amended to read:

“internal roading design and provision relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions.”
157. The submissions we received focussed only on property access. Like Mr Bryce, we think that the focus might more explicitly be on roading as the primary means of property access.
158. The submissions likewise focussed solely on “natural hazards”. We agree with Mr Bryce’s recommendation that in the context of restricted discretionary activity, the ambit of potential action required should be stated more clearly – it is about onsite measures to address the risk of both natural and other hazards on land within the subdivision rather than, for instance, attempts to address natural hazards at source. It is both unreasonable and impracticable to contemplate a subdivision applicant having responsibility, for instance, for mitigating the causes of flooding that is the result of natural processes occurring offsite.
159. In our view, it also needs to be made clear that it is not just a choice of what on-site measures are taken to mitigate natural hazard risk. In some cases, precisely because it is beyond the control of any subdivision applicant to control natural hazards at source, all available mitigation steps would still be insufficient to enable subdivision and development of the scale and in the manner proposed to proceed. We therefore recommend that the point of discretion should refer to *“the adequacy”* of on-site measures to address natural hazard risk.
160. The submissions we received suggested *“stormwater disposal”* as a matter of control. We agree with Mr Bryce’s recommendation that discretion needs to be retained over the design of stormwater management, not just its disposal.
161. Mr Bryce recommended two new matters of discretion, being *“ecological and natural values”* and *“historic heritage”*. Given the identification of those values and the objectives and policies of the Plan (not to mention the provisions of the Proposed RPS quoted above that sit behind them, they are obvious additions.
162. Lastly, Mr Bryce recommended addition of *“bird strike and navigational safety”*.
163. This addition reflected submissions we heard from QAC seeking recognition of the potential for the development associated with subdivision to cause a potential safety issue at Queenstown Airport (principally) due to bird strike. QAC both made legal submissions and called planning evidence on the need for PDP provisions to discourage activities attracting birds that might give rise to a bird strike risk.

164. We had some difficulty with QAC's case in this regard. Ms Kirsty O'Sullivan, giving expert planning evidence for QAC, advised us that the essential issue was with stormwater ponds that might form part of a subdivision design attracting birds that roost in the Shotover Delta.
165. At the hearing, we sought to explore with QAC's representatives the extent to which bird strike is already an issue given the location of the municipal wastewater facilities in close proximity to the eastern end of the runway, on the opposite side of the runway to Shotover Delta. The initial advice we received from Ms O'Sullivan was that bird strike was not an issue at present because QAC knows about current flight paths. Subsequently, however, after we sought input on where subdivision-related development might pose a risk of bird strike, we were advised that most reported bird strikes had been on the airfield, but that there have been reports of near misses further afield. We were also advised that the highest recorded bird strike was at 30,000 feet and that it was difficult to define the relevant area in a spatial sense.
166. We found this unhelpful to say the least. QAC were seeking examination of potential bird strike issues as a discrete matter of discretion on all urban subdivisions, so as to enable a case by case assessment. My Bryce also recommended that this be a matter of discretion in both urban areas and in the Rural Lifestyle and Rural Residential Zones.
167. The only way in which a subdivision consent applicant could address that issue would be by obtaining expert ornithological evidence as to the potential impact of the proposed subdivision and development on the existing pattern of bird flights and expert aviation evidence on the potential risk to aircraft within the District where they might intersect with the predicted flight-paths of birds. The collective costs involved, given that this would need to be considered on every subdivision application in urban areas and in the Rural Lifestyle and Rural Residential Zone if Mr Bryce's recommendation were accepted, might well be substantial, but we were not provided with any quantification of those costs⁹³.
168. While any threat to aircraft safety is of course a matter for considerable concern, we regard it as incumbent on QAC to provide us with expert evidence that would enable us to evaluate whether the risks that subdivision and development might pose to aircraft movements justified the imposition of those costs. At the very least, we would have expected QAC to produce expert evidence on where birds currently roost, the current flight-paths of birds to and from those roosting areas, and the nature and scale of future subdivision and development sufficient to materially alter those flight-paths in a manner with the potential to create a risk to aircraft. Demonstrably, Ms O'Sullivan was not equipped to provide evidence on these matters. And to be fair to her, she did not suggest she could do so other than at a very general level.
169. We inquired of QAC whether it had taken a position on the recently reviewed earthworks provisions of the ODP, given our understanding that birds are attracted by newly excavated earthworks. We were advised that QAC had made submissions on those provisions, but those submissions were not accepted and QAC did not pursue the matter.
170. Had QAC provided us with the evidential basis to do so, we might well have recommended a focus on effects on bird strike and navigational safety within some defined distance from the

⁹³ Mr Bryce identified that the addition of new matters of discretion would add costs in the s32AA evaluation attached to his reply evidence, but did not comment on the potential quantum of such costs. Ms O'Sullivan did not comment on the cost implications for applicants of the relief she supported.

flight paths into and out of Queenstown Airport, recognising a potentially greater risk in such areas (QAC told us existing spray irrigation at the end of the runway at Wanaka had not created an issue at Wanaka Airport and provided no information as to the position at the smaller facilities). As it was, QAC did not provide us with an adequate evidential foundation either for the planning relief sought, or for some more targeted response.

171. In summary, we do not agree with Mr Bryce’s recommendation that the default rules contain a recognition of potential bird strike risk as a separate area of discretion.
172. Submissions seeking a controlled activity rule suggested that “*the nature, scale, and adequacy of environmental protection measures associated with earthworks*” be an additional matter of control. Mr Bryce did not recommend that earthworks be a matter for discretion. Rather, his recommendation was that a cross reference be inserted to provisions of the earthworks chapter of the ODP. We think there are good reasons to treat earthworks as a separate issue under the rules. We will revert to that point when we address Mr Bryce’s recommendations in that regard.
173. We do, however, consider that there is a case for an additional matter of discretion based on the submissions and evidence we heard for Aurora Energy Ltd⁹⁴. We explore the issues raised in much greater detail in the context of the policies related to subdivision and development affecting electricity distribution lines⁹⁵. Mr Bryce recommended a new rule governing subdivision and development in close proximity to ‘sub-transmission’ lines. We discuss that recommendation later in this report also. In summary, we do not regard it as either necessary or efficient to have a standalone rule, but we do consider it necessary to preserve a discretion on subdivision applications that might be exercised in accordance with recommended Policy 27.2.2.8.
174. Having identified the desirability of an additional point of discretion, we then considered whether it should be limited to effects on electricity distribution lines. Mr Bryce’s draft rule considers “*Energy supply and telecommunications*” together. While the rationale for that discretion is (we think) related to the adequacy of the infrastructural arrangements, the same logic would apply to reverse sensitivity effects on telecommunication networks as on energy networks – both are essential local infrastructure.
175. Accordingly, we recommend that the relevant matter of discretion be amended to read:

“energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks.”
176. The suggested rule is stated to apply within the Low Density Residential Zone and the Queenstown Airport Mixed Use Zone. The Stream 6 Hearing Panel has recommended that the name of the Low Density Residential Zone be changed to the Lower Density Suburban Residential Zone. The Stream 8 Panel has recommended the Queenstown Airport Mixed Use Zone, as the term is used in Chapter 27, be changed to the Airport Zone - Queenstown. We therefore recommend use of those titles for those zones here, and elsewhere in Chapter 27 where they are referred to.
177. Lastly, we recommend that the language introducing the matters of discretion be tightened in this and the other Restricted Discretionary rules in Chapter 27 and that the specified matters

⁹⁴ Submission 71

⁹⁵ Refer the discussion of our recommended Policy 27.2.2.8

be individually identified using an alphanumeric list for ease of subsequent reference. Again, this is a recommended general change. We also recommend that generally listing of sub-parts of policies or rules be identified by alphanumeric lists.

178. Turning to the parallel rule (now numbered 27.5.8), providing for subdivision in the Rural Residential and Rural Lifestyle Zones, the opening words, describing the ambit of the rule, need to provide for the operation of other rules in the rule package in the same way as Mr Bryce's recommended urban subdivision rule; that is to say, it needs the words "*unless otherwise provided for*" inserted into it.
179. As above, the only additional point of discretion Mr Bryce recommended in this rule was reference to building platforms in the Rural Lifestyle Zone. At the hearing, we discussed with both Mr Bryce and Mr Jeff Brown whether the size of building platforms might be an issue. Currently the zone standards for the Rural, Gibbston and Rural Lifestyle Zones⁹⁶ require identification of one building platform between 70m² in area and 1000m² in area per lot where allotments are created for the purposes of containing residential activity.
180. Mr Brown confirmed that in principle, both the location and size of building platforms are the issue in the Rural Lifestyle Zone, but he could not recall any consent holder trying to fill out building platforms to the full 1000m². Mr Goldsmith drew our attention to the fact that this issue was canvassed in the hearings on the rural chapters (the Stream 2 hearing). In that hearing, Mr Paddy Baxter, an expert landscape architect, suggested to the Hearing Panel that design controls might be appropriate for larger sized houses.
181. Relevant design controls in this context are those contributing to the visibility and external appearance of buildings constructed within approved building platforms since it is these matters that affect the ability of the landscape to absorb new or altered buildings.
182. We also note that Rule 22.4.2 provides that where a building is constructed or altered outside an approved building platform in the Rural Lifestyle Zone the Council retains discretion over external appearance, visibility from public places, landscape character and visual amenity. Logically, these matters should be equally relevant to the decision whether to approve building platforms (within which buildings might be constructed or altered as permitted activities).
183. Accordingly, we recommend that the relevant point of discretion be expanded to read:

"in the Rural Lifestyle Zone, the location and size of building platforms and in respect of any buildings within those building platforms:
 - a. *external appearance;*
 - b. *visibility from public places;*
 - c. *landscape character; and*
 - d. *visual amenity.*
184. In all other respects, the same conclusions about the matters in respect of which discretion is reserved follow as for subdivision in the urban zones.

⁹⁶ Rule 27.5.1.1 of the notified Chapter and 27.7.12.1 of our recommended revised Chapter

185. As already noted, a number of submissions identified the need for the objectives and policies of Chapter 27 to be amended to reflect any changes to the default rules related to subdivision. Accordingly, it is appropriate that we move now to address first the introductory statement of the purpose of Chapter 27 (in Section 27.1) and then the objectives and policies, before returning to the package of rules.

3. PURPOSE

3.1 Section 27.1 - Purpose

186. Section 27.1, as its title suggests, is designed to set out the purpose of Chapter 27. Submissions on it sought variously:
- a. Addition of reference to the protection of areas and features of significance and to passive solar design of dwellings⁹⁷;
 - b. Deletion of reference to subdivision being discretionary, to be replaced with a statement that subdivision in zoned areas is controlled⁹⁸;
 - c. Deletion of reference to logic⁹⁹;
 - d. Deletion of reference to the Land Development and Subdivision Code of Practice and Subdivision Design Guidelines¹⁰⁰;
 - e. Clarification that Chapter 27 does not apply to the Remarkables Park Zone and the proposed Queenstown Park Special Zone¹⁰¹;
 - f. Drawing attention to the relationship between subdivision and land use, softening the description of the relationship between subdivision and desirable community outcomes, deletion of specific reference to management of natural hazards and insertion of identification of the role of subdivision in provision of services¹⁰².
187. Mr Bryce recommended the following changes to the notified version of Section 27.1:
- a. Consequential on his recommendation that the default status of subdivisions be restricted discretionary activity, the reference to all subdivision requiring resource consent as a discretionary activity should be amended;
 - b. Deletion of reference to subdivision design being underpinned by logic;
 - c. Separation of reference to the Subdivision Design Guidelines from the Land Development and Subdivision Code of Practice, recognising the focus of the Subdivision Design Guidelines on urban design and pitching the role of the Code of Practice as providing a best practice guideline;
 - d. Deletion of reference to provisions in other chapters governing assessment of subdivision;
 - e. Insertion of reference to the Council's development contributions policy.
188. We do not consider that the opening words of Section 27.1 need to place greater emphasis on the inter-relationship between subdivision and land use. In our view, the opening paragraph already draws that connection.
189. The reference in Section 27.1 to all subdivision requiring resource consent as a discretionary activity was problematic even on the basis of the notified Chapter 27, given that Rule 27.4.2

⁹⁷ Submission 117

⁹⁸ Submissions 288, 442, 806: Supported in FS1097

⁹⁹ Submission 383

¹⁰⁰ Submissions 567 and 806

¹⁰¹ Submission 806

¹⁰² Submission 806

provided for non-complying activities and Rule 27.4.3 provided for restricted discretionary activities. We have already addressed the appropriate default rule activity status, recommending that it be restricted discretionary. It follows that the existing text of Section 27.1 requires amendment. We agree with Mr Bryce's suggestion that the statement should read that "*all subdivision requires resource consent unless specified as a permitted activity*".

190. We also agree with Mr Bryce's recommendation that reference to logic in the second paragraph might appropriately be deleted. Without amplification as to what a logical subdivision design might involve, such as is contained in proposed Objective 3.2.2.1, this is likely to be unhelpful.
191. We do not, however, consider that the entire sentence in which that reference is made need be deleted. Given the overlap with recommended Objective 3.2.2.1, stating that good subdivision design is underpinned by an objective of creating healthy, attractive and safe places is a suitable comment. We do agree, however, that some qualification of the reference to management of natural hazards is required since as currently framed, the text provides no indication of how natural hazards should be managed. The Proposed RPS contains a comprehensive suite of provisions around natural hazard management. In the context of a general introduction to the subdivision and development section, it would be difficult to capture all of the nuances of the Proposed RPS position. We recommend therefore that the introduction talk about "*appropriate*" management of natural hazards.
192. We agree with the suggestion in Submission 806 that the opening words to paragraph 3 should state that good subdivision "*can help to create*" desirable outcomes. It is unduly ambitious to think that good subdivision will necessarily achieve these matters on its own.
193. We do not consider that reference to passive solar design of dwellings is required given the existing reference in the third paragraph to maximising access to sunlight. Similarly, in relation to the relief sought in Submission 117, reference to protection of areas and features of significance is an unnecessary level of detail. These matters are covered more appropriately in the objectives and policies following.
194. As regards the degree to which the Subdivision Design Guidelines and the Land Development and Subdivision Code of Practice are referenced, this matter overlaps with how they are addressed in the balance of the chapter.
195. Counsel for the Council noted that both of these documents had been incorporated by reference under Part 3 of Schedule 1 of the Act. As counsel noted, the advantage of incorporating documents by reference in this way is that they can then be referenced in the PDP without needing to be annexed to it. As counsel also pointed out, however, the downside of such referencing is that the document cannot thereafter be changed without the reference to it also being changed through the mechanism of a Plan Change.
196. Mr Wallace produced a copy of the current Code of Practice for us. It is both a lengthy and highly detailed document and Mr Wallace highlighted the fact that it is a "*live, ever evolving document*" and that he anticipated that it would be amended and readopted by Council before the close of 2016. Nor would this be the only amendment. In his words, "*there will be an ongoing process of updating the Code of Practice to ensure evolving best practice is captured in the document*"¹⁰³.

¹⁰³ D Wallace, Evidence at 4.2

197. Against this background, the recommendation of Mr Bryce was that specific reference to the Code of Practice should be removed from the relevant policy (27.2.1.1).
198. This recommendation produced a degree of puzzlement from the representatives of submitters who appeared before us, given that the Code of Practice is referred to in the ODP generically and, as far as the submitters could ascertain, this has never been seen as posing a legal issue in the past notwithstanding that the Code of Practice has been updated from time to time.
199. Mr Goldsmith did not seek to contradict counsel for the Council's submissions. Rather his approach was to query why reference to the Code of Practice is a problem now if it has never previously been a problem. Ms Baker-Galloway noted that in the litigation on the Horizons One-Plan, the High Court had no difficulty with a generic reference to the OVERSEER nutrient model in the One-Plan, notwithstanding that new versions of the model would be produced¹⁰⁴.
200. As we understand the argument for the Council, it is the additional step of incorporating the Code of Practice by reference that has created the legal issue.
201. The High Court decision referred to us quoted a section of the Environment Court's decision on the One-Plan querying whether a model like OVERSEER is written material within the meaning of clause 30 of the First Schedule (so as to be able to be incorporated by reference). It appears to us also that the High Court's decision turned on the fact that the One-Plan did not require use of OVERSEER. Rather it was mentioned as one means by which the Plan's provisions might be complied with.
202. We do not, therefore, regard the High Court's decision as supporting an explicit policy reference to the Code of Practice as something that is required to be complied with (as notified Policy 27.2.1.1 currently does), given the Council's intention that the Code of Practice will change.
203. Mr Duncan White gave evidence for Paterson Pitts noting that submitter's concern with the notified provisions given the lack of external input into the content of the Code of Practice. We agree that this is problematic, even if the legal concerns expressed by counsel for the Council could be overcome.
204. Mr Goldsmith drew our attention to a possible concern that removing reference to the Code of Practice, when in practice the Council will rely on the current version of the document. In his submission, this might mislead readers of the PDP who are not as a result aware that there is a large and very detailed document sitting outside the PDP which has, in Mr Goldsmith's words, "*a very significant influence on the subdivision design consent process*".
205. Ultimately though, Mr Goldsmith expressed himself as being ambivalent as to where the Code of Practice is referenced as long as it is referenced somewhere in the PDP. He took the pragmatic view that any rules and policies referring to the adequacy or appropriateness of infrastructure and service provision would then enable the Code of Practice to be referenced during the processing of a subdivision application.
206. We discussed the concern Mr Goldsmith had identified with counsel for the Council who agreed that the Code of Practice might appropriately be referred to in the introductory sections, provided it has not been incorporated by reference. We think that is the best solution, but it faces the problem that, of course, the Council has already resolved to

¹⁰⁴ Discussed in *Horticulture New Zealand v Manawatu-Wanganui Regional Council* [2013] NZHC 2492 at [106]-[115]

incorporate the Code of Practice (2015) version by reference. We recommend that Council resolve that that document should cease to be incorporated by reference.

207. Assuming the Council does so resolve, we further recommend that the existence of a Code of Practice be highlighted in Section 27.1, but in a separate paragraph to the discussion of the Subdivision Design Guidelines that we will come to shortly. Mr Bryce drafted a sentence to insert on the end of the fourth paragraph of section 27.1 reading:

“The purpose of the QLDC Land Development and Subdivision Code of Practice is to provide a best practice guideline for subdivision and development infrastructure in the District.”

208. Mr Bryce’s suggestion did not capture what we had in mind because it assumed an understanding of what the Code of Practice was and failed to convey the critical point, which is that subdivision applicants need to consult the document.

209. Accordingly, we recommend that a new paragraph be inserted following the existing paragraph 4 reading:

“The QLDC Land Development and Subdivision Code of Practice provides assistance in the design of subdivision and development infrastructure in the District and should also be considered by subdivision applicants.”

210. Consequential deletions of reference to the Code of Practice in the existing text of the fourth paragraph will be required.

211. The Subdivision Design Guidelines did not attract the same concern regarding the need for ongoing change. While Mr Goldsmith critiqued the Subdivision Guidelines, the thrust of his point seemed to be that they were a little trite and overlapped with the existing policies. As against that view, Mr Falconer gave evidence for the Council indicating his view that the Design Guidelines are well founded, helpful and provide a concise checklist for the layout and broad scale design of subdivisions¹⁰⁵. To the extent that Mr Dan Wells critiqued the illustrated design contained in the Subdivision Design Guidelines, Mr Falconer described those criticisms to us as matters of detail, not raising major issues.

212. Mr Falconer did, however, accept that the Subdivision Design Guidelines would benefit from being extended in scope.

213. Given Mr Falconer’s undoubted expertise and experience in the field of subdivision and urban design, we accept his opinion as to the value of the Subdivision Design Guidelines, and are satisfied that Section 27.1 should acknowledge their role. The only amendments we recommend to the text suggested by Mr Bryce are to make it a little clearer that the Guidelines are principally focused on development in urban areas, but that some aspects may be relevant to rural subdivisions.

214. We do not think it is helpful to state on a piecemeal basis that Chapter 27 does not apply to the Remarkables Park Zone and the requested Queenstown Park Special Zone as Queenstown Park Limited proposes. We discussed with counsel from the Council how Chapter 27, once finalised, will interrelate with the ODP subdivision provisions that will continue to apply in a number of zones (including the Remarkables Park Zone, which forms part of the ODP). We will discuss this issue in greater detail in our consideration of the notified Section 27.3. For the same reason, however, we agree with Mr Bryce’s recommendation that what was the first part

¹⁰⁵ G Falconer, Evidence at paragraph 2.1

of the fifth paragraph of Section 27.1 should delete reference to provisions for assessment of subdivisions outside Chapter 27.

215. Lastly, Mr Bryce recommended that a paragraph be inserted on the end of Section 27.1 as a consequential change resulting from his recommendation that reference to the Development Contributions Policy be deleted from Policy 27.2.5.11 (same numbering in notified version), reading:

“Infrastructure upgrades necessary to support subdivision in future development are to be undertaken and paid for by subdividers and developers in accordance with the Council’s 10 Year Plan Development Contribution Policy.”

216. The difficulty we have with the suggested addition to Section 27.1 is that it assumes an understanding of the role of the Development Contributions Policy and records the current policy set under the Local Government Act, which may change during the lifetime of the PDP.

217. Accordingly, we recommend that Mr Bryce’s suggestion not be accepted, but rather that a new paragraph 6 be inserted in section 27.1 reading as follows:

“The Council uses its Development Contributions Policy set out in its 10 Year Plan to fix the contributions payable by subdividers for infrastructure upgrades. That policy operates in parallel with the provisions of this chapter and should be referred to by subdivision consent applicants.”

218. We have discussed each of the amendments we have recommended to Section 27.1 above. The end result, accepting the suggested changes, is that the introductory section of Chapter 27 related to its purpose would read as follows:

“Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District’s economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

All subdivision requires resource consent unless specified as a permitted activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the appropriate management of natural hazards are underpinned by a shared objective to create healthy, attractive and safe places.

Good subdivision can help to create neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight.

Good subdivision design will be encouraged by the use of the QLDC Subdivision Design Guidelines 2015. The Subdivision Design Guidelines includes subdivision and urban design principles and outcomes that give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals in urban areas. Proposals at odds with this document are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the RMA. Some aspects of the Subdivision Design Guidelines may be relevant to rural subdivisions.

The QLDC Land Development and Subdivision Code of Practice provides assistance in the design of subdivision and development infrastructure in the District and should also be considered by subdivision applicants.

The Council uses its Development Contributions Policy set out in its 10 Year Plan to fix the contributions payable by subdividers for infrastructure upgrades. That policy operates in parallel with the provisions of this chapter and should be referred to by subdivision consent applicants.

The subdivision chapter is the primary method to ensure that the District's neighbourhoods are quality environments that take into account the character of local places and communities."

219. We are satisfied that as amended, this introductory statement is the most appropriate way to achieve the objectives of Chapter 27 that we are about to discuss, given the alternatives open to us.

4. SECTION 27.2 – OBJECTIVES AND POLICIES

4.1 General

220. We have already discussed the general submissions seeking that the objectives and policies more clearly identify where they are limited in scope either to urban or rural environments. The only other general submission that we need to discuss at the outset of our consideration of the objectives and policies in Chapter 27 is that of Transpower New Zealand Limited¹⁰⁶ that sought a new objective related to reverse sensitivity effects on the national grid.
221. Mr Bryce recommended that the suggested objective not be inserted into Chapter 27, on the basis that Transpower's relief would more appropriately be addressed by a new policy seeking to achieve existing Objective 27.2.2.
222. The relief sought by Transpower was in fact framed as a course of action (i.e. as a policy) rather than as an environmental outcome (i.e. as an objective) and Ms Ainsley McLeod, giving planning evidence for Transpower, accepted that this was the appropriate way for Transpower's concern to be addressed. We concur.
223. Before considering the first objective and the policies related to it, we should note that the existing objectives and policies were supported by a number of submitters, either as is, or generally, but subject to specific points of concern¹⁰⁷.

4.2 Objective 27.2.1 and Policies Following

224. Turning to Objective 27.2.1, as notified, it read:

"Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play."

225. Submissions seeking changes to Objective 27.2.1 sought variously:

¹⁰⁶ Submission 805: Supported in FS1121 and FS1211

¹⁰⁷ See submissions 453, 586, 775 and 803: Supported in FS1117

- a. Reference be made to “high” quality environments¹⁰⁸;
- b. Rewording to read:

“The formative role of subdivision creating quality environments is recognised through attention to design and servicing needs.”¹⁰⁹

- c. Soften the wording so it states that subdivision will “help to” create quality environments¹¹⁰.
226. By his reply evidence, Mr Bryce had come to the view that the objective might appropriately be amended in line with the thinking underlying the third of the submissions only – substituting “enable” for “create”.
227. We largely agree. We do not think it is necessary to add a second adjective. Referring to quality environments already conveys the message that Submission 238 sought.
228. We consider that the more comprehensive amendment sought in Submission 632 would obscure rather than clarify the outcome sought in this objective. Accordingly, we do not recommend that that be accepted.
229. As we have noted in our discussion of Section 27.1, however, the PDP needs to be realistic as to what subdivision can deliver in terms of desirable outcomes. Ultimately, it is one of a number of contributing factors that create quality environments. Accordingly, we agree with Mr Bryce’s suggested amendment and recommend the objective be retained with only a minor grammatical change, as follows:
- “Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.”*
230. Given the range of alternatives open to us, we consider that this objective aligns well with recommended Objective 3.2.2.1 and is accordingly the most appropriate way in which to achieve the purpose of the Act in this context.
231. Policy 27.2.1.1 as notified read:
- “Require subdivision to be consistent with the QLDC Land Development and Subdivision Code of Practice, while recognising opportunities for innovative design.”*
232. A number of submissions on it sought its deletion¹¹¹. Some of these submissions focussed on the fact that the Code of Practice can be changed without consultation¹¹². A number of other submissions focussed on the interrelationship between this and other policies, and the default discretionary rule status¹¹³.

¹⁰⁸ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

¹⁰⁹ Submission 632: Supported in FS1097; Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹¹⁰ Submission 806

¹¹¹ Submissions 248, 453, 567, 632 and 806: Supported in FS1097; Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹¹² See in particular Submission 453: Supported in FS1097

¹¹³ E.g. Submissions 248 and 567: Supported in FS1097 and FS1117

233. Mr Bryce recommended that reference to the Code of Practice be deleted, largely for the reasons discussed above in the context of Section 27.1, and that the policy require subdivision infrastructure (the subject of the Code of Practice) be designed so as to be fit for purpose.
234. We concur. It is not efficient to have a policy that refers to a document that is likely to be superseded a number of times during the life of the PDP. That will only necessitate a series of future plan changes.
235. The addition we have recommended that Section 27.1 address the sole substantive concern expressed to us, that readers of the PDP might not appreciate the role of the Code of Practice.
236. Accordingly, we recommend that Mr Bryce's suggested amendments to Policy 27.2.1.1 be accepted, subject only to minor grammatical changes, so that it would read:
- "Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design."*
237. Policy 27.2.1.2 as notified read:
- "Support subdivision that is consistent with the QLDC Subdivision Design Guidelines, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site."*
238. This policy attracted opposition from the same submitters and for largely the same reasons as are summarised above in relation to Policy 27.2.1.1.
239. Mr Bryce distinguished this policy from the previous one on the basis that it was unlikely that the subdivision guidelines would need to be updated as regularly as the Code of Practice. Based on the evidence of Mr Falconer summarised earlier, we agree that the Subdivision Design Guidelines play a valuable role that should be recognised in the policies of Chapter 27. The concern expressed in Submission 453 is addressed by the fact that, having been incorporated by reference, the Subdivision Design Guidelines can effectively only now be changed by means of a publicly notified Plan Change.
240. Mr Bryce recommended in his reply evidence two amendments to the notified policy: the first to clarify what "support" means in this context and the second to be clear that the document referenced is the 2015 version of the Subdivision Design Guidelines. We agree with those amendments. The only further amendments we would recommend are a minor grammatical change and insertion of reference to urban subdivision, to make it clear, as sought by the general submissions already noted, that this is one of the policies that is specific to urban subdivision.
241. Accordingly, we recommend that Policy 27.2.1.2 read as follows:
- "Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site."*
242. Policy 27.2.1.3 as notified read:

“Require that allotments are a suitable size and shape, and are able to be serviced and developed to the anticipated land use of the applicable zone.”

243. Two submissions sought changes to this policy, one to delete reference to development and to make consequential changes¹¹⁴ and the other to delete the opening words “require that”¹¹⁵.

244. Mr Bryce did not recommend any change to this policy. We agree with his reasoning. The ability to develop an allotment for the anticipated land use will be one of the key factors that determines whether an allotment is a suitable size and shape. Deleting the opening words would mean that the policy ceases to be a course of action and would rather state an outcome (i.e. objective). We recommend only minor grammatical changes, so that the policy would read:

“Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.”

245. Notified policy 27.2.1.4 reads:

“Where minimum allotment sizes are not proposed, the extent any adverse effects are mitigated or compensated by achieving:

- a. *Desirable urban design outcomes;*
- b. *Greater efficiency in development and use of the land resource;*
- c. *Affordable or community housing.”*

246. One submission sought it be deleted¹¹⁶. Another submission queried whether the word “proposed” should be replaced with “achieved”¹¹⁷. A third submission¹¹⁸ suggested that the opening words should read, “where small lot sizes are proposed, the extent...”.

247. Mr Bryce agreed with the submitters seeking amendments that the policy is unclear and requires clarification. What it is actually seeking to address, as Submission 453 surmised, is the position where the minimum allotment sizes are not achieved. We agree with Mr Bryce that the initial point that needs to be made is that failure to comply with minimum allotment sizes is not a desirable state of affairs. In some circumstances in the urban environment (and we think it needs to be made clear that it is the urban environment), that may nevertheless be acceptable based on the criteria identified in the policy.

248. In summary, we recommend acceptance of Mr Bryce’s suggested amended policy wording with one addition (to focus the second part of the policy on urban environments) and minor reformatting changes. It would therefore read as follows:

“Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:

- a. *desirable urban design outcomes.*

¹¹⁴ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹¹⁵ Submission 806

¹¹⁶ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹¹⁷ Submission 453

¹¹⁸ Submission 806

b. *greater efficiency in the development and use of the land resource.*

c. *affordable or community housing.*”

249. Policy 27.2.1.5 as notified, read:

“The Council recognises that there is an expectation by future landowners that the effects and resources required of anticipated land uses will have been resolved through the subdivision approval process.”

250. Submission 453 sought a minor grammatical change so that the policy would refer to effects and resources required “by” anticipated land uses. Submissions 632¹¹⁹ and 806 sought deletion of this policy. The latter submission suggested that it was not framed as a policy.

251. Mr Bryce recommended that the minor grammatical change sought by Submission 453 be accepted but otherwise that the policy remain unamended.

252. For our part, we think that Submission 806 made a valid point. The policy needs to start with a verb to express a course of action.

253. We also have a concern that subdivision consent processes will not necessarily resolve all effects of anticipated land uses. That is what land use consent applications are for.

254. To state more clearly what course of action the policy envisages being undertaken, it should start with the words “recognise that”. That might be considered to rather beg the question as to how that recognition might be implemented. We think the answer to that rhetorical question is that it will be implemented through the subdivision approval process considering these matters. The end result we have in mind sits between the outcome sought by submitters and the status quo.

255. In summary, therefore, we recommend that Policy 27.2.1.5 be amended to read:

“Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.”

256. Policy 27.2.1.6, as notified, read:

“Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.”

257. The only submission seeking change to this policy sought its deletion¹²⁰. Mr Bryce acknowledged that it might be argued that this policy is not necessary to give effect to the notified Objective 27.2.1, but considered that it was still helpful in guiding PDP users. We concur and note that Mr Wells, who gave evidence for submitter 632, did not provide any reasons why this particular policy should be deleted.

258. Accordingly, we recommend that Policy 27.2.1.6 be retained without amendment.

¹¹⁹ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹²⁰ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

259. Policy 27.2.1.7, as notified, read:

“Recognise there will be certain subdivision activities, such as boundary adjustments, that are undertaken only for ownership purposes and will not require the provision of services.”

260. The sole submission seeking a change to this policy¹²¹ sought that it be amended to ensure that boundary adjustments are not subject to the discretionary activity rule [i.e. notified Rule 27.4.1] and are exempt from the policies relating to provision of services.

261. Mr Bryce did not recommend any change to this policy specifically in response to the concern expressed in Submission 806. Mr Bryce drew our attention to his separate discussion of rules related to boundary adjustments, but in summary, took the view that the policy already states that some subdivision activities and in particular boundary adjustments, will not require the provision of services. We agree. The only amendment we recommend is one suggested by Mr Bryce in his reply evidence, following a discussion we had with him, that reference to *“ownership purposes”* should be deleted. We are not at all sure what that means and we think that there might be a number of purposes that would justify a boundary adjustment. We do not regard that as a substantive change since the motivation of the applicant is not material to the course of action the policy identifies.

262. Accordingly, we recommend that Policy 27.2.1.7 be amended to read:

“Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.”

263. Mr Bryce recommended two new policies for this objective, the first relating to subdivision of a residential flat from a residential unit, and the second relating to subdivision of land resulting in division of a residential building platform. As Mr Bryce explained in his reply evidence, these suggested new policies (27.2.1.8 and 27.2.1.9) arose from a discussion we had with him regarding the apparent lack of any policy support for non-complying activity rules governing these activities. Mr Bryce confirmed our concern that there is something of a policy vacuum as regards these activities and, as such, non-complying rule status is somewhat illusory – if there are no directly applicable objectives and policies, it is difficult to imagine that an application would ever not pass through the second statutory gateway in section 104D(1)(b). Put simply, if there are no objectives and policies that the application could be contrary to, the conclusion would inevitably be that the statutory precondition is satisfied. This is an unsatisfactory position in the structuring of Chapter 27 which ought to be filled and we agree with Mr Bryce that the corollary of a non-complying activity is a policy indicating that generally, these activities should be avoided.

264. However, the fact that there is a policy vacuum is not a sufficient justification for new policies to be inserted into the chapter, certainly where they would have a substantive effect on the implementation of the PDP’s provisions, in the absence of a submission seeking that relief.

265. In this case, there does not appear to be any submission seeking policies along the lines suggested by Mr Bryce and there is only one submission on the relevant rules¹²² related to Rule 27.4.2(d) as notified (Rule 27.5.19 in our revised chapter). That submission, however, sought only that the rule be clarified. While we have approached the issue on the basis that a

¹²¹ Submission 806

¹²² Submission 453

submission on a rule could provide a jurisdictional basis for consequential changes to objectives and policies if such changes can be said to be fairly and reasonably raised in the submission¹²³, the submission in this case was associated with more general relief seeking that subdivisions around existing buildings should be controlled activities. We do not consider that the submission gives any jurisdiction for firming up on the non-complying status of the activity through a supporting policy.

266. Accordingly, we have concluded that while worthwhile, we do not have jurisdiction to accept Mr Bryce's recommendations in this regard.

267. For these reasons, the Chair recommended to the Council that policies be introduced by way of variation to address this policy gap in his Minute dated 22 May 2017. Having reviewed the policies recommended as above, we have concluded that they are the most appropriate way to achieve Objective 27.2.1, given the alternatives open to us, and the jurisdictional limitations we have discussed.

4.3 Objective 27.2.2 and Policies Following

268. Objective 27.2.2. as notified read:

"Subdivision design achieves benefits for the subdivider, future residents and the community."

269. One submitter¹²⁴ sought that this objective be deleted. The evidence presented by the submitter did not seek to support this submission with detailed reasons. Given that the only other submissions on the objective sought its retention, we agree with Mr Bryce's recommendation that it should remain as notified. As Mr Bryce recorded¹²⁵, the objective gives effect to the Proposed RPS (see in particular Objective 4.5) and the strategic direction of the PDP (see in particular recommended Objective 3.2.2.1). We therefore conclude that Objective 27.2.2 in its notified form is the most appropriate way to achieve the purpose of the Act in this context.

270. Policy 27.2.2.1, as notified read:

"Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access."

271. The only submission seeking to change this policy¹²⁶ sought that it be reworded to read:

"Encourage roads and allotments to align in a manner that maximises sunlight access."

272. Mr Bryce did not recommend that the suggested amendment be made. As he observed, it would weaken the outcome sought. That does not necessarily mean that it is not the most appropriate way to achieve the objective, but in this case, the evidence the submitter called did not support the relief sought. Indeed, Mr Wells pronounced himself broadly satisfied with the amendments Mr Bryce had recommended, and his reasons for his recommendations.

273. Accordingly, we likewise recommend no change to the suggested policy.

¹²³ Refer the Legal advice received by the Hearing Panel from Meredith Connell dated 9 August 2016

¹²⁴ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹²⁵ Updated Section 42A Report at 18.48

¹²⁶ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277 and FS1283 and FS1316

274. Policy 27.2.2 as notified, read:
“Ensure subdivision design maximises the opportunity for buildings to front the road.”
275. There were no submissions on this policy and Mr Bryce recommended that it remain as notified.
276. For our part, we think amendment is required in line with the general submissions already noted, to make it clear that this policy applies to urban subdivisions, but otherwise agree that no change to it is required.
277. Accordingly, we recommend that the policy be amended to read:
“Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.”
278. Policy 27.2.2.3 as notified read:
“Open spaces and reserves are located in appropriate locations having regard to topography, accessibility, use and ease of maintenance, and are a practicable size for their intended use.”
279. Submission 632¹²⁷ sought that this policy be reworded to be more direct, starting with the verb *“locate”*.
280. The Council’s corporate submission¹²⁸ sought that reference to *“use”* and *“practicable size”* be deleted from the policy.
281. Mr Bryce supported the relief sought by Submission 632 in substance, while suggesting a grammatical change to better express the intent, having regard to the altered wording. Mr Bryce did not support the Council’s submission on the basis that size is relevant to future use.
282. We agree with Mr Bryce’s recommendation for the reasons that he set out in his evidence¹²⁹. The stance advocated in the Council’s submission might in our view also be considered inconsistent with Policy 27.2.1.3. Accordingly, we recommend that Policy 27.2.2.3 be reworded to read:
“Locate open spaces and reserves having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.”
283. Policy 27.2.2.4 as notified read:
“Subdivision will have good and integrated connections and accessibility to existing and planned areas of employment, community facilities, services, trails, public transport in adjoining neighbourhoods.”
284. Submission 524 sought that reference to community activities be inserted into this policy. Submission 632¹³⁰ sought a more comprehensive amendment so that the policy would read:

¹²⁷ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹²⁸ Submission 809

¹²⁹ Updated Section 42A Report at 18.50 and 18.52

¹³⁰ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

“Design subdivisions to achieve connectivity between employment locations, community facilities, services, recreation facilities and adjoining neighbourhoods.”

285. Mr Bryce recommended acceptance of the suggestion in Submission 524 and rejection of the more comprehensive amendment sought in Submission 632 on the basis that the latter would weaken the outcomes sought in the policy. He did accept, however, that the policy needed to be expressed as a course of action rather than as an outcome, which we considered was a positive feature of that submission.
286. Mr Bryce also recommended expansion of the reference to adjoining neighbourhoods to make it clear that the neighbourhoods in question might be planned neighbourhoods, and that they might be either within the subdivision area or adjoining it. Having initially recommended that reference to trail connections be inserted¹³¹, after discussion with us at the hearing, Mr Bryce came around to the view that this was unnecessary given the initial reference to connections at the start of the policy. We agree with his position on both points, and with the reformatting Mr Bryce suggested, to have a numbered list of the matters being connected (subject in the latter case to some minor reformatting to standardise the style of the sub-policies with the balance of the Chapters).
287. We therefore largely accept Mr Bryce’s recommendations. It follows that we do not consider additional changes are required to address submissions 625 and 671¹³². We also do not agree that reference needs to be made to community activities rather than community facilities. The point being made in Submission 524 is that the current definition of “*community facilities*” is anomalous and needs to be corrected, among other things to include educational facilities. We agree with the underlying point (which has already been discussed in the Hearing Panel’s Report 3). There are two ways in which the issue can be addressed. The definition of “*community facilities*” could be revised and expanded. Alternatively, and more simply, the existing definition could simply be deleted. We prefer the latter approach. The existing definition serves no purpose (there is no community facility subzone in the PDP) and in its ordinary natural meaning, community facilities would include recreational facilities, which would address another point made in Submission 632. Accordingly, we recommend to the Hearing Panel on Stream 10 that the definition of “*community facilities*” be deleted.
288. Lastly, this is another policy that is specific to the urban environment, and this also needs to be made clear.
289. In summary, therefore, we recommend that Policy 27.2.2.4 be reworded to read:

“Urban subdivision shall seek to provide for good and integrated connections and accessibility to:

- a. existing and planned areas of employment;*
- b. community facilities;*
- c. services;*
- d. trails;*
- e. public transport; and*
- f. existing and planned neighbourhoods both within and adjoining the subdivision area.”*

¹³¹ Mr Bryce thought that this would address the relief sought in submissions 625 and 671 (seeking recognition in a policy for the need for trails as part of the subdivision process)

¹³² We therefore recommended acceptance of Further Submission 1347

290. Policy 27.2.2.5 as notified read:

“Subdivision design will provide for safe walking and cycling connections that reduce vehicle dependence within the subdivision.”

291. The only submission seeking to amend this policy was Submission 632¹³³, which sought that it be reworded to read:

“Encourage walking and cycling and discourage vehicle dependence through safe connections between and within neighbourhoods.”

292. We think that consideration of this policy needs to occur in tandem with consideration of the following Policy (27.2.2.6) which read as notified:

“Subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists.”

293. Submission 632 sought that that policy be deleted¹³⁴. When we discussed these two policies with Mr Bryce, he agreed with our initial view that there is a significant degree of duplication between them. Mr Bryce recommended that they be combined into one policy in his reply evidence. We concur.

294. To that extent, we agree also with the thinking underlying Submission 632.

295. We agree, however, with Mr Bryce that the wording proposed in Submission 632 would soften the policy too much, and thus would not be the most appropriate way to achieve the objective.

296. We therefore agree with Mr Bryce’s suggested rewording save that this is another urban focussed policy. We therefore recommend an amendment to make that clear.

297. In summary, we recommend that policies 27.2.2.5 and 27.2.2.6 be combined as new Policy 27.2.2.5 reading as follows:

“Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists, and that reduce vehicle dependence within the subdivision.”

298. Policy 27.2.2.7 as notified read:

“Encourage innovative subdivision design that responds to the local context, climate, land forms and opportunities for views or shelter.”

299. The only submission seeking to amend this policy¹³⁵ sought deletion of the word “innovative”.

300. Mr Bryce did not recommend that that submission be accepted, and the submitter did not pursue the point when they appeared at the hearing. When we discussed the matter with Mr Bryce, he agreed that reference to innovative design was not necessary in the policy, but he felt that innovation was something to be encouraged. We agree and, accordingly, we

¹³³ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹³⁴ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹³⁵ Submission 453

recommend that the policy remain without change (other than by being renumbered 27.2.2.6).

301. Policy 27.2.2.8 as notified, read:

“Encourage informal surveillance of streets and the public realm for safety by requiring that the minority of allotments within a subdivision are fronting, or have primary access to, cul-de-sacs and private lanes.”

302. Submission 632¹³⁶ sought that this policy be deleted. Mr Bryce did not recommend any amendment to it.

303. In our view, this policy needs to be considered in tandem with the following policy (27.2.2.9) which as notified, read:

“Encourage informal surveillance for safety by ensuring open spaces and transport corridors are visible and overlooked by adjacent sites and dwellings.”

304. Submission 632 was again the only submission seeking substantive change to Policy 27.2.2.9, so that it would read:

“Promote safety through overlooking of open spaces and transport corridors from adjacent sites and dwellings and effective lighting.”

305. Mr Bryce supported this relief in part. The exception was that he thought that retaining specific reference to ‘*informal surveillance*’ provided greater clarity.

306. Stepping back from these policies, we think there is substantial duplication between them. Streets in the public realm are open spaces (as well as being transport corridors). We agree with Mr Bryce that the concept of information surveillance is a helpful one. However, we also think that there is a case for informal surveillance of cul-de-sacs and private lanes on safety grounds.

307. Lastly, this is another policy that is specific to urban areas and this should be made clear.

308. In summary, therefore, we recommend acceptance of Submission 632 by deletion of notified Policy 27.2.2.8 and acceptance in part of that submitter’s relief in relation to the following policy, so that the end result is one policy, renumbered 27.2.2.7, reading:

“Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.”

309. In his Section 42A Report, Mr Bryce recommended inclusion of another policy addressing subdivision near electricity transmission corridors with reference to amenity and urban design outcomes and to minimising potential reverse sensitivity effects.

310. Mr Bryce’s recommendation reflected his consideration of a submission by Transpower New Zealand Limited¹³⁷ seeking a new objective of reverse sensitivity effects on the National Grid.

¹³⁶ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹³⁷ Submission 805: Supported in FS1211

As already discussed, Mr Bryce recommended that this matter be addressed through a new policy supporting objective 27.2.2. Also as above, we agreed with that recommendation.

311. Ms McLeod gave evidence for Transpower supporting, in principle, Mr Bryce's recommendation, but seeking amendments to the language that he had suggested. Specifically, Ms McLeod suggested that the policy be specific to the National Grid (she opposed, in particular, an amendment to expand it to cover the Aurora Line Network), broadening it to talk about potential direct effects on the National Grid, not just reverse sensitivity effects, and lastly amending it to require avoidance of such effects, rather than their minimisation. She was of the opinion that these amendments were necessary to better give effect to the NPSET 2008.

312. We also need to consider, in this context, the relief sought by Aurora Energy Limited¹³⁸, which was addressed in the submissions of Ms Irving and the evidence of Ms Dowd. Aurora had already sought, in the Stream 1B hearing, recognition of what it described as critical electricity lines (66kV 33kV and 11Kv sub-transmission and distribution lines of strategic importance to its line network, and to its customers). Aurora sought a new policy that would read:

"Avoid, remedy or mitigate reverse sensitivity effects on infrastructure."

313. In his reply evidence, Mr Bryce agreed with the amendments suggested by Ms McLeod in her evidence and recommended that the policy be expanded to cater for sub-transmission lines, as sought by Aurora. Mr Bryce drew on recommendations which Mr Barr had made to the Hearing Panel considering Chapter 30 (Stream 5) of the PDP suggesting that the Aurora's sub-transmission lines needed to be specifically recognised through an amended policy and rule framework.

314. In its Report 3, the Hearing Panel recommended that the primary focus at a strategic level should be on regionally significant infrastructure. Further, that identification of what is regionally significant should primarily be a matter for the Regional Council. The Hearing Panel noted in this regard that the Proposed RPS deliberately excludes electricity transmission infrastructure that does not form part of the National Grid when identifying infrastructure that is regionally significant.

315. As Ms Irving put to us, however, the fact that the Regional Council has not chosen to class Aurora's line network (or components thereof) as being regionally significant, does not mean that the PDP should not provide for it at a more detailed level. Ms Irving also drew to our attention provisions of the Proposed RPS making provision for electricity distribution infrastructure. We note in particular Policy 4.4.5 of the Proposed RPS which states:

"Protect electricity distribution infrastructure, by all of the following:

a. Recognising the functional needs of electricity distribution activities;

b. Restricting the establishment of activities that may result in reverse sensitivity effects;

c. Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;

d. Protecting existing distribution corridors for infrastructure needs, now and for the future."

¹³⁸ Submission 635: Supported in FS1211

316. Mr Bryce's recommendation in his reply evidence was that the appropriate policy to pick up on these issues should read:

"Manage subdivision within or near to electricity transmission corridors and electricity sub-transmission lines to facilitate good amenity and urban design outcomes, while avoiding potential adverse effects (including reverse sensitivity effects) on the National Grid and electricity sub-transmission lines."

317. We have a number of difficulties with that suggested policy wording. First, focussing on the National Grid and on what is required to implement the NPSET 2008, policy 10 of that document requires that *"decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised."*

318. As noted in the report of the Hearing Panel considering Chapter 4¹³⁹ inclusion of the qualifier *"to the extent reasonably possible"* means that this is not the same thing as requiring that all adverse effects be avoided, given the guidance we have from the Supreme Court in *King Salmon* as to what the latter means. The Hearing Panel's conclusion was that it was both consistent with the NPSET 2008 and appropriate that reverse sensitivity effects on regionally significant infrastructure be minimised. We take the same view in this context.

319. We do agree though with Ms McLeod and Mr Bryce that the focus should not solely be on reverse sensitivity effects. Certainly, with the National Grid, direct effects need to be managed so as to avoid compromising the operation, maintenance, upgrading and development of the National Grid *"to the extent reasonably possible"*.

320. Turning to the Aurora Network, while the Regional Council has confirmed that it is not regionally or nationally significant, it is clearly important to the health and wellbeing of the District's people and communities.

321. Neither the Proposed RPS nor Aurora's own submission would, however, support a policy of avoiding reverse sensitivity effects on the Aurora line network.

322. As above, the Proposed RPS talks in terms of avoiding, remedying or mitigating adverse effects from other activities *"on the functional needs"* of electricity distribution infrastructure. Aurora's submission, as above, seeks that reverse sensitivity effects be avoided, remedied or mitigated.

323. The other point to note is that the Proposed RPS addresses the requirements of electricity distribution infrastructure which it defines as *"lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the National Grid."*

324. In other words, it makes no distinction between different elements of line networks like those of Aurora. Accordingly, we take the view that introducing some subset of the Aurora Network (e.g. sub-transmission lines) is likely only to promote confusion, especially given that Aurora's own submission does not seek a higher level of protection from reverse sensitivity effects than the Proposed RPS would require for the entire distribution network. We note also that the Hearing Panel considering Chapter 30 (Report 8) has recommended that Aurora's submissions

¹³⁹ Report 3 at [937]

(and the Staff Recommendation) that sub-transmission lines be recognised in separate objectives, policies and rules in that chapter not be accepted.

325. We also think that the reference to electricity transmission corridors needs to be clarified. Policy 11 of the NPSET 2008 requires identification of buffer corridors around elements of the National Grid and Ms McLeod agreed that the appropriate reference in the rules would be to the National Grid Corridor. We consider that this policy should likewise refer to the National Grid Corridor. Also, having defined a buffer corridor, the focus should be on activities within that corridor. It is only other electricity lines, where a corridor has not been defined, where nearby subdivision might be an issue.
326. In summary, we recommend that a new policy be inserted as 27.2.2.8 reading:
- “Manage subdivision within the National Grid Corridor or near to electricity distribution lines to facilitate good amenity and urban design outcomes, while minimising potential adverse effects (including reverse sensitivity effects) on the National Grid and avoiding, remedying or mitigating adverse effects (including reverse sensitivity effects) on electricity distribution lines.”*
327. Submission 632¹⁴⁰ sought a new policy in this section related to heritage values. Mr Bryce’s view was that that matters the policy would address were already adequately covered in existing policies. We concur – see in particular the policies related to Objective 27.2.4 that we will discuss shortly.
328. The other submission seeking a new policy in this part of the Chapter we should discuss at this time is that of Queenstown Airport Corporation¹⁴¹ seeking a new policy that would discourage activities *“that encourage the congregation of birds within aircraft flight paths.”*
329. This is of course linked to the point we discussed in the context of the default subdivision rules, as to whether the potential bird strike should be a matter of discretion reserved for consideration.
330. While, as already noted, Mr Bryce recommended that provision should be made in the rules as sought by QAC, he did not reconsider the recommendation in his Section 42A Report that this was not an appropriate matter for a new policy.
331. For our part, the same reasoning that prompted us to reject the QAC submission in the context of a specific discretion of the rules leads us to the view that it should not be provided for in a policy either. Put simply, QAC did not provide us with the evidential foundation for a policy and having decided that it is not appropriate to leave it as a discretion within the rules, it would be inconsistent to insert a policy to the same effect.
332. Accordingly, we recommend that the QAC submission be rejected.
333. Having reviewed the policies discussed above and the alternatives open to us, we record our view that policies 27.2.1-27.2.8 recommended above are the most appropriate way in which to achieve Objective 27.2.2.

¹⁴⁰ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁴¹ Submission 433: Opposed in FS1097 and FS1117

4.4 Objective 27.2.3 and Policies Following

334. Objective 27.2.3 as notified read as follows:

“Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design are limited.”

335. Submissions seeking to *amend* this objective sought either to soften the last phrase (to say that opportunities may be limited *“in some circumstances”*)¹⁴² or to convert it into a policy with slightly amended wording¹⁴³.

336. Mr Bryce considered that the notified objective does indeed read like a policy. Rather than converting it to a policy, however, as sought by Submission 632, he recommended amendments to reframe it as an outcome. Mr Bryce’s suggested rewording also addressed the point taken in Submission 208. While the Hearing Panel has had difficulty in other contexts with the language now recommended by Mr Bryce (recognise and provide for)¹⁴⁴, the following policies flesh out how small-scale and infill subdivision might be recognised and provided for and thus, in this context, we regard it as acceptable. We do think that the focus of the objective is on the potential of small scale and infill subdivision in urban areas and that this should be made clear. Small scale subdivision in rural areas raises different, and not necessarily positive, issues. Otherwise, we recommend that Mr Bryce’s wording be accepted with only minor grammatical changes, with the result that the objective would read:

“The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.”

337. For the reasons set out above, and given the jurisdictional limitations on our choosing any alternative rewording, we consider that this objective is the most appropriate way to achieve the purpose of the Act as it relates to small scale and infill subdivision.

338. Policy 27.3.2.1, as notified, read as follows:

“Acknowledge that small scale subdivision, (for example subdivision involving the creation of fewer than four allotments) and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.6 and 27.2.2.8.”

339. There were no submissions seeking amendment to this policy and Mr Bryce recommended that the sole submission supporting it¹⁴⁵ be accepted on the basis that the policy provided clear guidance and was effective in guiding plan users as the intent of the objective. He therefore recommended that the policy be retained as notified, other than to revise the numbering of the policy cross references to reflect other recommendations.

340. We agree in substance with that position. As with the objective, we think that the policy is focussing on small scale subdivision in urban areas (that is the focus of the cross-referenced

¹⁴² Submission 208

¹⁴³ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁴⁴ Refer Report 3 at Section 1.9

¹⁴⁵ Submission 691

policies). It should make that clear. The only other amendment we suggest is to clarify what “*acknowledgement*” means in this context. Logically, it must mean that the design limitations are accepted.

341. Accordingly, we recommend that the policy be slightly amended from Mr Bryce’s recommendation to read:

“Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7.”

342. Policy 27.2.3.2 as notified read:

“While acknowledging potential limitations, encourage small scale and infill subdivision to:

- *Ensure lots are shaped and sized to allow adequate sunlight to living in outdoor spaces, and provide adequate on-site amenity and privacy;*
- *Where possible, locate lots so that they over-look and front road and open spaces;*
- *Where possible, avoid the creation of multiple rear sites Where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;*
- *Identify and create opportunities for connections to services and facilities in the neighbourhood.”*

343. The only submissions seeking amendment of this policy sought variously *qualification* of the third bullet point to insert a practicability test¹⁴⁶ or its deletion¹⁴⁷.

344. Mr Bryce recommended that the substance of Submission 453 be accepted. He preferred, however, to delete all reference to *possibilities*. Mr Bryce also recommended reformatting so that, rather than setting subparagraphs as bullet points, numbered sub policies be used.

345. The evidence advanced by Submitter 632 did not support the relief sought on this policy and we thus have no evidential basis to consider its deletion.

346. We agree with Mr Bryce’s preference that the policy not speak in terms of what is possible, but rather in terms of what is practicable. We also agree that alphanumeric listing sub-policies, will assist future reference to them, subject to minor reformatting for consistency. As with the objective, however, the application of the policy should be related to urban subdivision.

347. Accordingly, we recommend that Policy 27.2.3.2 be reworded as follows:

“While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to:

¹⁴⁶ Submission 453

¹⁴⁷ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

- a. ensure lots are shaped and sized to allow adequate sunlight to living areas and outdoor spaces, and provide adequate on-site amenity and privacy;
- b. where possible, locate lots so that they over-look and front road and open spaces;
- c. avoid the creation of multiple rear sites, except where avoidance is not practicable;
- d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
- e. identify and create opportunities for connections to services and facilities in the neighbourhood.”

348. Having considered the alternatives open to us, we have concluded that Policies 27.2.3.1 and 27.2.3.2 as amended above, are the most appropriate way in which to achieve Objective 27.2.3.

4.5 Objective 27.2.4 and Policies Following

349. Objective 27.2.4 as notified read:

“Identify, incorporate and enhance natural features and heritage”.

350. A number of submissions supported this objective¹⁴⁸. One submission sought its deletion¹⁴⁹. Another submission¹⁵⁰ sought that the objective be reworded to read:

“Identify and where possible incorporate and enhance natural features and heritage values within subdivision design.”

351. Mr Bryce recommended rejection of the submission seeking deletion of this objective, pointing to strategic objectives seeking to protect heritage values¹⁵¹. Mr Bryce, however, thought elements of the relief sought in Submission 806 should be accepted – to refer to heritage values and to reference subdivision design – and that the term *“natural features”* be clarified so as to remove the potential that it might be seen as restricted to ONFs. Mr Bryce noted in this regard that the policies seeking to achieve this objective focussed, among other things, on biodiversity values. Mr Bryce also recommended that the objective be restructured to be expressed as an outcome rather than a course of action.

352. Mr Bryce did not specifically discuss the request in Submission 806 that the objective be qualified by a reference to what is possible. We do not consider that the outcome sought needs to be softened in the manner suggested. While it is obviously correct that subdivision design cannot enhance, for instance, natural features in all cases, it does not mean that that should not be the aspiration of the PDP. It is for the policies to provide a more nuanced course of action.

353. Accordingly, we agree with Mr Bryce’s recommendations with the result that Objective 27.2.4 would be revised to read:

“Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.”

¹⁴⁸ Submissions 117, 339, 426 and 706: Opposed in FS1162

¹⁴⁹ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁵⁰ Submission 806

¹⁵¹ Refer recommended Objective 3.2.3.2

354. We consider that this objective is the most appropriate way to achieve the purpose of the Act in this context having regard to the strategic objectives we have recommended in Chapter 3 and the alternatives available to us.

355. Policy 27.2.4.1 as notified read:

“Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.”

356. Submissions seeking substantive amendment to this policy included a request that it commence *“where possible and practical enhance...”*¹⁵², seeking that the words *“and protecting”* be added¹⁵³, and seeking its amendment to read:

*“Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces, as a means of mitigating effects and where possible enhancing biodiversity, riparian and amenity values.”*¹⁵⁴

357. Mr Bryce did not recommend acceptance of a policy seeking to soften the focus on enhancement of relevant values. Addressing Submission 453 specifically, he felt that the relief sought would weaken the intent of the policy which, in his view, responded to the outcomes of the strategic directions in Chapter 3 and was consistent with sections 6(a) and 7(c) of the Act.

358. By the same token, however, Mr Bryce did not recommend acceptance of Submission 809 since that would be going further than the notified objective that the policy seeks to achieve.

359. While we understand and agree with Mr Bryce’s reasoning, in principle, we do not consider that he has addressed the fundamental issue posed by Submissions 453 and 806, namely that it will not always be possible to achieve enhancement of biodiversity, riparian and amenity values through subdivision design. Removal of existing vegetation may also, in some cases, be desirable as a means to enhance biodiversity values given that that term will encompass everything from pristine indigenous bush to wilding pines and gorse. Similarly, if an existing waterway is low in natural values, its incorporation into subdivision design may not be desirable.

360. The qualifications suggested in Submissions 806 (*“where possible”*) and 453 (*“where possible and practical”*) go too far, however, and, as Mr Bryce notes, would weaken the intent of the policy.

361. To address these points, we recommend that the policy be revised to read:

“Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces where that will maintain or enhance biodiversity, riparian and amenity values.”

362. Policy 27.2.4.2 as notified, read:

¹⁵² Submission 453

¹⁵³ Submission 809: Opposed in FS1097

¹⁵⁴ Submission 806

“Ensure that subdivision and changes to the use of land that results from subdivision do not reduce the values of heritage items and protected features scheduled or identified in the District Plan.”

363. Submissions on this policy either supported it¹⁵⁵ or sought its deletion¹⁵⁶.
364. Mr Bryce noted the direct connection between the policy and the notified objective and accordingly recommended that the policy remain in its existing form.
365. We agree that the policy responds directly to the objective and should be retained. Consequent on the Hearing Panel’s recommendations in relation to management of heritage values¹⁵⁷ we recommend minor changes to be consistent with the recommended form of Chapter 26, as follows:

“Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan.”

366. Policy 27.2.4.3 as notified read:
“The Council will support subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise.”
367. Submissions on this policy ranged between support for it in its current form¹⁵⁸, its deletion¹⁵⁹, its amendment to address situations where joint use may not be appropriate because of resulting adverse effects on the environment¹⁶⁰, and amendment to remove the focus on the Council’s actions, substituting *“encourage”* at the front of the policy¹⁶¹.
368. Mr Bryce supported the policy direction of this policy, but recommended that it be relocated to fall under Objective 27.2.5. Given that that objective relates to infrastructure and services, including stormwater and flood management, we agree. We will return to the point in that context. Accordingly, we accept Mr Bryce’s recommendation and recommend that the policy should be deleted from section 27.2.4.
369. Policy 27.2.4.4 as notified read:
“Encourage the protection of heritage and archaeological sites, and avoid the unacceptable loss of archaeological sites.”
370. Submissions on this policy either sought its deletion¹⁶² or clarification of what *“unacceptable loss”* means¹⁶³.

¹⁵⁵ Submissions 339, 706: Opposed in FS1162

¹⁵⁶ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁵⁷ See Section 6.5 of Report 4

¹⁵⁸ Submissions 339 and 706: Opposed in FS1162

¹⁵⁹ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁶⁰ Submission 117 – noting that the Summary of Submissions did not correctly record the relief sought in this submission.

¹⁶¹ Submission 806

¹⁶² Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁶³ Submission 806

371. Mr Bryce recommended that this policy be retained in his Section 42A Report while agreeing with Submission 806 that the term “*unacceptable loss*” was not easily defined. Mr Bryce drew attention, in particular, to the strength of the intention underlying the policy. When we discussed the point with him, he accepted that the term is problematic, but frankly acknowledged that he was having difficulty identifying an alternative form of words that was suitable. When he returned to the point in reply, Mr Bryce drew on the Council staff reply on Chapter 26 suggesting that the term “*unacceptable*” should be deleted and the policy amended to focus on avoidance in the first instance, and to mitigation proportionate to the level of significance of the feature where avoidance cannot reasonably be amended.
372. Mr Bryce also suggested that the opening words of the policy should be “*provide for*” rather than “*encourage*” on the basis that this would better align with the provisions of the Act.
373. While Mr Bryce’s suggested amendment to this policy does indeed provide the clarification which Submission 806 sought, we have a degree of unease regarding the extent to which this policy will have moved if we accept Mr Bryce’s recommendation on that relatively slender jurisdictional base. We note that Submission 806 suggested (in the reasons for the relief sought) that regard should be had to the relative significance of the archaeological site when determining what loss is unacceptable, but Mr Bryce suggests moving that concept some distance. We are also concerned about the proposed amendment to the start of the policy which would make it more restrictive without any submission having sought that end result.
374. Standing back from these concerns, we note that there is significant duplication between this policy and the notified Policies 27.2.4.2 (addressing retention of the values of heritage features) and 27.2.4.6 (regarding protection of archaeological sites). We have come to the view that rather than attempt to massage an unsatisfactory policy with limited assistance from submissions suggesting viable alternatives, the better course is to delete this policy and rely on the other policies just noted to address heritage and archaeological aspects of the relevant objective. We therefore recommend that notified Policy 27.2.4.4 be deleted (i.e. that Submission 632 be accepted).
375. Policy 27.2.4.5 as notified read:
- “Ensure opportunity for the input of the applicable agencies where the subdivision and resulting development could modify or destroy any archaeological sites.”*
376. The only submissions on this policy¹⁶⁴ sought its deletion.
377. Mr Bryce recommended that those submissions be accepted on the basis that the policy simply duplicates a process already entrenched in the Act and in other legislation. In particular, in his view, the Act would replicate the statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014.
378. We agree with Mr Bryce’s reasoning. As he notes, the proposed rules of Chapter 27 provide for consideration whether Heritage New Zealand is an affected party in any given case. Heritage New Zealand exercises control over modification or destruction of archaeological sites under its own Act and we do not think it is necessary to provide for its involvement in a policy of this kind. We also note that Heritage New Zealand was not among the further submitters opposing deletion of this policy.

¹⁶⁴ Submissions 632 and 806: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

379. We therefore recommend deletion of notified Policy 27.2.4.5.

380. Policy 27.2.4.6 as notified, read:

“Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga.”

381. One submission sought deletion of this policy¹⁶⁵. Another submission sought its amendment to refer to protection of archaeological sites or cultural features where possible¹⁶⁶.

382. Mr Bryce did not recommend acceptance of either submission. In his view, the notified policy is effective in implementing the outcomes of the relevant objective. As regards the amendments sought in Submission 806, Mr Bryce suggested to us that they did not adequately respond to sections 6(e) and 6(f) of the Act.

383. We agree with Mr Bryce’s reasoning, while noting that he might also have drawn support for his position from the Proposed RPS. Given our recommendation, as above, that notified Policy 27.2.4.4 be deleted, it is important that the provision for protection of archaeological sites and cultural features in Policy 27.2.4.6 be retained. Indeed, were there jurisdiction to consider it, the provisions noted by Mr Bryce, along with the Proposed RPS, would have justified, if anything, a more directive policy stance. As regards the specific concern expressed in Submission 806 that provision for cultural features is problematic if they are not clearly identified, we understand this will be addressed in a subsequent stage of the District Plan review process.

384. Accordingly, we recommend that notified Policy 27.2.4.6 be retained unamended, other than to renumber it 27.2.4.3.

385. Notified Policy 27.2.4.7 read:

“Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:

- a. *Whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;*
- b. *Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.”*

386. Submissions seeking change to this policy sought amendment to the wording of the second bullet point to make offsetting more certain¹⁶⁷, amendment to the second bullet point to

¹⁶⁵ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁶⁶ Submission 806

¹⁶⁷ Submission 453

express it in a slightly different way¹⁶⁸ and extension of the policy to encourage initiatives for provision of public access to natural features and heritage¹⁶⁹.

387. Mr Bryce did not support any of the suggested changes on the basis that none of them would make the notified policy any more effective.
388. We agree with that recommendation. The development contribution is imposed under the Local Government Act. Accordingly, it would be inappropriate for a policy in the PDP to purport to constrain how it should operate. Like Mr Bryce, we are unconvinced that the wording amendments suggested in Submission 809 improve the policy. Lastly, submitter 806 provided no evidence that would provide us with a basis for accepting the extent of the proposed extension to the policy.
389. In summary, we therefore recommend that notified Policy 27.2.4.7 be retained unamended other than to renumber it 27.2.4.4 and to convert the bullet points of the notified version to alphanumeric sub-paragraphs, together with minor reformatting.
390. Lastly under Objective 27.2.4, the Council's corporate submission¹⁷⁰ sought inclusion of a new policy to support the objective that would read:
- "Ensure that new subdivision and developments recognise, incorporate and where appropriate, enhance existing established protected vegetation and where practicable ensure that this activity does not adversely impact on protected vegetation."*
391. The suggested new policy is opposed on the basis that it is unnecessary.
392. In his Section 42A Report, Mr Bryce recommended acceptance of an amended version of the suggested new policy deleting the final clause commencing *"and where practicable"*. In Mr Bryce's view, such a policy would better give effect to what was the notified section 3.2.4 goal (and is now recommended Objective 3.2.4).
393. When we discussed the point with him, we expressed some concern that the policy lacked guidance as to the criteria for determining appropriateness. Mr Bryce agreed that this was a gap in the proposed wording. In his reply evidence, Mr Bryce recommended deleting the term *"where appropriate"*, substituting a reference to *"suitable measures to enhance existing established protected indigenous vegetation"* and inserting further guidance as to what suitable measures might include – such things as protective fencing, destocking, removal of existing wilding species and invasive weeds or active ecological restoration.
394. Mr Bryce's suggested addition to the policy rather tended to miss the point we were making, namely that the policy needed to identify when it would be appropriate to require enhancement measures.
395. Mr Bryce's suggested addition also takes the policy a significant distance further than the relief proposed in Submission 809.
396. Stepping back from the detail, Mr Bryce did not explain to us why, if indigenous vegetation was already protected, it was necessary to ensure its enhancement in this context. It seems

¹⁶⁸ Submission 809

¹⁶⁹ Submission 806

¹⁷⁰ Submission 809: Opposed in FS1097

to us that these matters are better addressed in the policies establishing the protection of indigenous vegetation.

397. In summary, we do not agree that this policy, or some amendment thereof is the most appropriate way in which to achieve Objective 27.2.4. Accordingly, we do not recommend its inclusion.
398. Having reviewed the four policies we have recommended as above, we consider that collectively, having regard to the alternatives open to us, they represent the most appropriate way to achieve Objective 27.2.4.

4.6 Objective 27.2.5 and Policies Following

399. Notified Objective 27.2.5 read:

“Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.”

400. A number of submissions supported this objective. Submissions seeking substantive change to it included those seeking its deletion¹⁷¹, a request to delete reference to likely effects¹⁷² and a request to make that deletion combined with a statement that subdivision development not adversely affect the National Grid¹⁷³.
401. Mr Bryce’s consideration of this objective started with the observation (that we agree with) that although supposedly an objective, it does not read like an outcome statement.
402. In addition, given the range of policies specified in this section of Chapter 27, we do not consider that reference to likely effects of land use activities accurately captures the intention underlying this provision (as evidenced by the policies seeking to achieve it).
403. It follows that, like Mr Bryce, we largely accept the relief sought in Submission 635.
404. While we accept the need to ensure that subdivision and development that might potentially affect the National Grid needs to be managed in accordance with the NPSET 2008, this objective (or the policies under it¹⁷⁴) does not seem to be the correct vehicle for that management given that it focusses on infrastructure and services to lots and developments rather than the effects of subdivision and development. We note that Ms McLeod, giving evidence on behalf of Transpower New Zealand Ltd, agreed with Mr Bryce’s recommendation that the amendments sought in Submission 805 not be accepted.
405. Lastly, given that provision of infrastructure and services to new lots is a key aspect of the management of subdivision and development, it would clearly not be appropriate or consistent with the purpose of the Act to delete this objective.
406. Ideally the objective would give some guidance as to the nature and extent of infrastructure and services provided to new subdivisions and developments, but the requirements of subdivisions are so many and varied in this regard that a concise summary of the desired outcome is a challenge. Mr Bryce did not recommend that we go down that path and none of

¹⁷¹ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁷² Submission 635: Opposed in FS1097

¹⁷³ Submission 805

¹⁷⁴ Addressing the relief sought in Submissions 635 and 805, supported in FS1211 in this regard

the submissions seeking amendment to the objective provided any suggestions that we could adopt or adapt.

407. In summary, therefore, we accept Mr Bryce's recommendation that Objective 27.2.5 should be amended to state simply:

"Infrastructure and services are provided to new subdivisions and developments."

408. For the reasons set out above, given the alternatives open to us, we consider this objective the most appropriate way to achieve the purpose of the Act in this context.

409. The first group of five policies under Objective 27.2.5 relate to transport, access and roads.

410. Policy 27.2.5.1 as notified read:

"Integrate subdivision roading with the existing road networks in an efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling."

411. Submissions on it variously sought its retention¹⁷⁵, and an amendment to refer to both safe and efficient integration of roading¹⁷⁶.

412. We note also Submission 798¹⁷⁷, requesting that in considering subdivisions and development, provisions require the inclusion of links and connections to public transport and infrastructure, not just walking and cycling linkages.

413. Mr Bryce recommended acceptance of the wording amendments sought in Submission 805. He noted that the relief sought in Submission 798 is provided for within Policy 27.2.5.3. Lastly, Mr Bryce recommended an amendment to refer to potential traffic levels rather than expected traffic levels – to reflect the fact that the Code of Practice states that development design *"shall ensure connectivity to properties and roads that have been developed, or that have the potential to be developed in the future."*

414. This recommendation prompted us to discuss with Mr Wallace how potential traffic levels might be ascertained. Mr Wallace's response was that, in his mind, it was linked to the PDP zoning, which sets out what is anticipated by the PDP.

415. In his reply evidence, Mr Bryce picked up on Mr Wallace's evidence and suggested a clarification be inserted to this effect.

416. We agree with Mr Bryce's recommendation that Submission 719 should be accepted and that Submission 798 is appropriately addressed in another policy. We do not think, however, that the suggested amendment substituting *'potential'* for *'expected'* is necessary, particularly if it implies a substantive change to the policy unsupported by a submission seeking that relief. Given Mr Wallace's clarification (which we think is helpful), the traffic levels of relevance are those that are expected into the future, having regard to the zoning of the area. We think a slight amendment is required of the suggested clarification because the PDP zoning does not itself anticipate or provide for traffic levels. Traffic levels are the result of the zone provisions being implemented. We regard this as a minor non-substantive change.

¹⁷⁵ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁷⁶ Submission 719

¹⁷⁷ Supported in FS1097

417. In summary, therefore, we recommend that Policy 27.2.5.1 be amended to read:

“Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling.

For the purposes of this policy, reference to ‘expected traffic levels’ refers to those traffic levels anticipated as a result of the zoning of the area in the District Plan.”

418. Notified Policy 27.2.5.2 read:

“Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.”

419. The only substantive change sought to this policy¹⁷⁸ would specify that access is along roads and delete reference to developments.

420. Mr Bryce did not recommend acceptance of the suggested changes because he did not believe that they made the policy more effective.

421. We agree. Safe and efficient pedestrian and cycle access to lots might not necessarily be along roads and the evidence for Submitter 632 did not explain to us why reference to developments should be deleted.

422. Accordingly, we recommend retention of Policy 27.2.5.2 unamended.

423. Policy 27.2.5.3 as notified read:

“Provide trail, walking, cycle and public transport linkages, where useful linkages can be developed.”

424. The only submission seeking a material change to this policy was Submission 632, seeking its deletion¹⁷⁹. Once again, the submitter did not seek to support this position in evidence. Mr Bryce did not recommend acceptance of that submission, but he did suggest that Submission 798 noted above might appropriately be addressed by a reordering of this policy to shift reference to public transport to the front of the policy. We agree with Mr Bryce’s view that with some minor grammatical amendments, the suggested revisions make the policy clearer. Accordingly, we recommend that Policy 27.2.5.3 be revised to read:

“Provide linkages to public transport networks, and to trail, walking and cycling networks, where useful linkages can be developed.”

425. Policy 27.2.5.4 as notified read:

“The design of subdivision and roading networks to recognise topographical features to ensure the physical and visual effects of subdivision and roading are minimised.”

¹⁷⁸ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁷⁹ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

426. The policy is the subject of two substantive submissions. The first¹⁸⁰ opposed the policy as being too open to differing interpretations. The second¹⁸¹ suggested that it be revised to read:

“Encourage the design of subdivision and roading networks to recognise and accommodate pre-existing topographical features where this will not compromise design outcomes and the efficient use of land.”

427. Mr Bryce recommended revision of the policy to the format suggested in Submission 632, but did not accept the substantive shift from ensuring to encouraging, or the deletion of reference to minimising effects.

428. We agree with Mr Bryce’s recommendation with only a minor grammatical change. Given the policy already focuses on minimising effects, in our view, it provides sufficient flexibility for subdividers.

429. In summary, therefore, we recommend that Policy 27.2.5.4 be revised to read:

“Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.”

430. Policy 27.2.5.5 as notified read:

“Ensure appropriate design and amenity associated with roading, vehicle accessways, trails, walkways and cycle ways within subdivisions by having regard to:

- a. Location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;*
- b. The number, location, provision and gradients accessways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;*
- c. The standard of construction and formation of roads, private accessways, vehicle crossings, service lanes, walkways, cycle ways and trails;*
- d. The provision and vesting of corner splays or rounding at road intersections;*
- e. The provision for and standard of street lighting, having particular regard to the avoidance of upward light spill;*
- f. The provision of appropriate tree planting within roads;*
- g. Any requirements for widening, formation or upgrading of existing roads;*
- h. Any provisions relating to access for future subdivision on adjoining land;*
- i. The provision of public transport routes and bus shelters.”*

431. Submissions on this policy seeking changes to it sought variously:

- a. Consideration be given in subdivision design to other species¹⁸²;
- b. Amendment to require old and replacement lighting to be downward facing using energy efficient lightbulbs¹⁸³;
- c. Amendment of the final bullet point to add a cross reference to Council transport strategies¹⁸⁴;

¹⁸⁰ Submission 453

¹⁸¹ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁸² Submission 117

¹⁸³ Submission 289

¹⁸⁴ Submission 453

- d. Deletion of the policy¹⁸⁵;
 - e. Addition of reference to links and connections to public transport services and infrastructure¹⁸⁶.
432. Mr Bryce did not recommend additional reference to Council transport strategies, noting that the transport section of the PDP will be reviewed as part of a subsequent stage of the District Plan review process. He was also of the view that the amendment recommended to the notified Policy 27.2.5.3 would address the Otago Regional Council's submission noted above¹⁸⁷. He did, however, recommend an amendment to the final bullet point to reference linkages to public transport routes to address this submission.
433. As regards Submission 289, Mr Bryce was of the view that the outcome sought by the submitter is both impractical and would constitute a significant policy shift that would in turn require significantly more detailed Section 32 evaluation before adoption. Mr Bryce did, however, recommend that reference be added to siting and location of lighting and to the night sky.
434. Mr Bryce also drew our attention to a new policy sought in Submission 632, overlapping with and effectively amending the fifth bullet point in Policy 27.2.5.5, so that it would refer to the inter-relationship between lighting and public safety and substitute the word '*reduce*' for '*avoidance*'. Mr Bryce recommended acceptance of the former but not the latter.
435. Mr Bryce did not specifically address the relief sought in Submission 117. For our part, we think that Objective 27.2.4 and the recommended revisions to the policies supporting that objective already address the substance of the submission.
436. We largely agree with Mr Bryce's recommendations regarding the balance of submissions on the policy. So far as provision for lighting is concerned, Mr and Mrs Hughes appeared at the hearing to address their submissions on steps required to protect the District's night sky. Most of their evidence and submissions in fact related to Chapters 3 and 6 and will be considered by the Hearing Panel in that context. They supported the existing lighting provisions in Chapter 27.
437. We agree with Mr Bryce's view that more analysis would be required of costs and benefits before Submission 289 could be accepted in its entirety. We agree, however, that with minor grammatical amendments, reference to siting and location, and to public safety are desirable improvements to this sub-policy.
438. Like Mr Bryce, we do not accept the suggestion in Submission 632 that the focus should be on reduction of upward light spill. Rather, we recommend that the policy should be more effects-based. In Report 3, the Hearing Panel has recommended that provisions related to the night sky focus on views of the night sky¹⁸⁸. We recommend a similar focus in this context.
439. We do not accept Mr Bryce's suggestion as to how Submission 798 might be incorporated into the ninth bullet point. The submission sought inclusion of links and connections to public transport services and infrastructure as a matter for consideration in relation to subdivision and development, not just walking and cycling linkages. For most subdivisions, it is the location

¹⁸⁵ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁸⁶ Submission 798

¹⁸⁷ Ibid

¹⁸⁸ Report 3 at Section 8.5

of public transport routes which will determine the ability to link/connect to public transport. We recommend that that be the focus of amendment to the ninth bullet point.

440. Mr Bryce also recommended that reference be made to trail connections to address Submissions 625 and 671 that we have already discussed, and that the words “*are provided for*” are inserted to provide clarity as to how having regard to the listed matters will ensure the outcomes desired. We agree with Mr Bryce’s recommendation in this regard, and with his suggested formatting change to convert the bullet points to a numbered list. We also recommend minor reformatting for consistency.
441. Focusing on the areas of substantive change to the policy, we therefore recommend that it read:
- “Ensure appropriate design and amenity associated with roading, vehicle accessways, trails and trail connections, walkways and cycle ways within subdivisions are provided for by having regard to:...*
- e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety, and the avoidance of upward light spill adversely affecting views of the night sky...*
 - i. the provision and location of public transport routes and bus shelters”*
442. Before leaving access issues, we should note Submission 275 that sought a policy providing for reduced access widths in the High Density Residential Zone. Mr Bryce did not specifically address this submission and the submitter did not provide evidence to support its submission, which appeared counter-intuitive to us. Be that as it may, we do not have an evidential basis to recommend acceptance of the relief sought.
443. The next group of policies in this section of the chapter relate to water supply, stormwater and wastewater (referred to as the ‘three waters’ in Mr Wallace’s evidence). The format of the policies is that Policy 27.2.5.6 deals with the three waters collectively. Then follow discrete policies on each of “water”, “stormwater” and “wastewater”.
444. Policy 27.2.5.6 as notified read:
445. *“All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.”*
446. This submission is supported in one submission¹⁸⁹. A second submission¹⁹⁰ queried the position if systems aren’t available, asking whose responsibility it is to provide those systems in that situation.
447. Mr Bryce did not recommend any change to this policy. We agree with this recommendation. The answer to the question posed in Submission 117 is that the more specific policies following address the point.
448. Submission 632 sought a new policy on a related point – providing that when connected to Council infrastructure, capacity in the system should be ensured or necessary upgrades

¹⁸⁹ Submission 438

¹⁹⁰ Submission 117

reasonably expected to occur. Mr Bryce did not discuss it specifically, and the submitter's evidence did not address it. It seems to us, however, that the capacity of the Council's infrastructure is considered at an earlier point than subdivision. In general, land should not be zoned for development if infrastructure capacity is not available (or likely to be available) to service it. Accordingly, we do not consider the suggested policy is necessary, particularly in the absence of evidence setting out its costs and benefits.

449. Accordingly, we recommend that Policy 27.2.5.6 be retained unamended.
450. Addressing the policies specifically related to water, the first policy is 27.2.5.7 which, as notified, read:
- “Ensure water supplies are of a sufficient capacity, including firefighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.”*
451. The only submissions on this policy¹⁹¹ sought its retention. Mr Bryce did not recommend any change to the policy and we agree with that recommendation.
452. Accordingly, we recommend that Policy 27.2.5.7 be retained unamended.
453. Policy 27.2.5.8 as notified, read:
- “Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.”*
454. Submission 117 agreed with this policy but suggested that the rules of the PDP needed to be consistent with it ensuring, for instance, that height requirements on water collection tanks not effectively prohibit collection of rainwater.
455. Submission 289¹⁹² also supported the policy but suggested that existing houses could be encouraged to install water tanks.
456. Submission 632¹⁹³ sought the deletion of the policy.
457. Mr Bryce did not recommend any change to the policy. We agree. The point made in Submission 117 is relevant, but needs to be considered in the context of the rules of the PDP.
458. The relief sought in Submission 289 is beyond the scope of provisions addressing subdivision and development.
459. Lastly, Submission 632 was not supported by the evidence we heard on behalf of the submitter and we have no basis on which to recommend deletion of the policy.
460. Accordingly, we recommend that Policy 27.2.5.8 be retained unamended.
461. Policy 27.2.5.9 as notified, read:

¹⁹¹ Submissions 438 and 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁹² Supported in FS1125

¹⁹³ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

“Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.”

462. Submissions on it opposed the policy on the basis variously that the issue is better addressed as part of the building process rather than through controls on subdivision¹⁹⁴, sought to introduce a practicality qualification¹⁹⁵ and sought that a similar provision be applied to existing houses¹⁹⁶.
463. Mr Bryce did not recommend acceptance of either Submission 453 or Submission 632. Mr Bryce noted in particular that in some circumstances, particularly where subdivisions are undertaken at locations not connected to a reticulated water supply, it would be appropriate to address water conservation at the subdivision stage. He also observed that the policy seeks to encourage the outcome rather than require it. We agree with Mr Bryce. The policy enables consideration of water conservation. If it is premature or impractical in a particular case, the policy accommodates that. As with the submission made on the previous policy, the relief sought in Submission 289 does not relate to subdivision and development.
464. Accordingly, we recommend that Policy 27.2.5.9 be retained unamended.
465. Policy 27.2.5.10 as notified read:
- “Ensure appropriate water supply, design and installation by having regard to:*
- a. The availability, quantity, quality and security of the supply of water to the lots being created;*
 - b. Water supplies for firefighting purposes;*
 - c. The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;*
 - d. Any initiatives proposed to reduce water demand and water use.”*
466. Submissions on this policy consisted of a submission from New Zealand Fire Service seeking that it specifically refer to the Fire Service Code of Practice for the definition of what adequate water supplies for firefighting purposes might require¹⁹⁷ and a request that it be deleted¹⁹⁸.
467. Submission 632 was not supported by evidence when the submitter appeared before us and given the obvious relevance of the matters addressed in the policy to subdivision and development, we need say no more about it.
468. New Zealand Fire Service, however, did appear to support its submission. Ms McLeod gave evidence explaining why, in her view, it was appropriate to reference the relevant New Zealand Standard¹⁹⁹ (referred to in turn in the Fire Service Code of Practice).

¹⁹⁴ Submission 453

¹⁹⁵ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁹⁶ Submission 289

¹⁹⁷ Submission 438: FS1097 queried the need for the suggested reference

¹⁹⁸ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

¹⁹⁹ SNZ PAS 4509:2008

469. Ms McLeod drew attention to the desirability of referencing the standard to eliminate any possible confusion that might arise as a result of an existing agreement between the Council and the Fire Service Commission providing for alternatives not covered by SNZ PAS 4509:2008.
470. In his reply evidence, Mr Bryce remained of the view that this was not necessary, but noted that he had recommended that SNZ PAS 4509:2008 be integrated into the assessment matters supporting the redrafted rule.
471. We agree with Mr Bryce’s recommendation on this point. We consider that it is better that the policy remain broadly expressed. SNZ PAS 4509:2008 is referenced in the Land Development and Subdivision Code of Practice. We have already discussed the desirability of generalising reference to that document and we think the same logic applies to the Standard the Fire Service seeks to include. The concerns expressed by the Fire Service are in our view adequately addressed by the more detailed provisions, including the recommended assessment matter that Mr Bryce drew our attention to.
472. In summary, we recommend retention of Policy 27.2.5.10 unamended, save only for reformatting the bullet pointed matters as a numbered list and decapitalising the first word in each part.
473. Policy 27.2.5.11, as notified, read:
- “Ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers in accordance with the Council’s 10 Year Plan Development Contributions Policy.”*
474. Submissions addressing this policy included Submission 117 which stated, somewhat enigmatically, that the policy *“needs long-term foresight”*. We are unsure what that means, and the submitter did not appear at the hearing to provide clarification.
475. Other submissions opposed the policy. One submitter stated that the costs it covers should be covered by development contributions²⁰⁰. Submission 632²⁰¹ simply sought its deletion.
476. Mr Bryce’s initial response to Submission 453²⁰² was to accept that referencing the Development Contribution Policy within Policy 27.5.2.11 is not necessarily required, but he considered that the guidance the policy provided assisted with implementation of the PDP. Mr Bryce suggested, however, that specific reference to the Development Contribution Policy be deleted in his reply evidence.
477. We do not think that assists. If anything, it exacerbates the issue identified in Submission 453 as the implication of Policy 27.2.5.11, as amended, would be that this policy would operate separately from the Development Contribution Policy. From Mr Bryce’s evidence, we do not understand that to be the intention.
478. We have already addressed the Development Contribution Policy in the context of Section 27.1. For the reasons set out in our discussion of the purpose of Chapter 27, we think that

²⁰⁰ Submission 453: Supported in FS1117

²⁰¹ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²⁰² Section 42A Report at 18.140

greater clarity is required that development contributions are fixed in parallel with PDP, and independently of it. Accordingly, we recommend that Policy 27.2.5.11 be deleted.

479. Turning to stormwater arrangements, notified Policy 27.2.5.12 read:

“Ensure appropriate stormwater design and management by having regard to:

- a. *Recognise and encourage viable alternative design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas;*
- b. *The capacity of existing and proposed stormwater systems;*
- c. *The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;*
- d. *The location, scale and construction of stormwater infrastructure;*
- e. *The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including the control of water-borne contaminants, litter and sediments, and the control of peak flow.”*

480. Submission 117 sought inclusion of provision in the policy to manage organic contaminants and heavy metals to mitigate adverse effects on water bodies. The submission also advocates expert design including a “*treatment train*” approach.

481. Submission 289 supported the policy but sought that stormwater collection from roads in particular be designated so that it does not run into lakes and rivers.

482. Submission 453 sought that the policy be qualified by the words “*where possible and practical*”.

483. Mr Bryce did not recommend acceptance of Submission 453 on this point. In his view, the policy already provides for a broad range of stormwater design options.

484. Mr Bryce likewise did not recommend acceptance of Submission 289. In Mr Bryce’s view, the engineering evidence of the Council indicated that the relief sought was not practicable. Mr Bryce, however, noted that the fifth bullet point already addressed the substance of much of the relief the submitter sought through controlling water-borne contaminants, litter and sediments. In relation to that fifth bullet point, Mr Bryce also drew our attention to the relief sought in Submission 632²⁰³ in the form of a new policy seeking that stormwater be managed “*to provide for public safety and where opportunities exist to maintain and enhance water quality*”. Mr Bryce recommended that elements of this suggested policy be incorporated into the fifth bullet point of policy 27.2.5.12 and thereby also address what is now recommended Objective 3.2.4.4.

485. In addition, Mr Bryce recommended an amendment to the first bullet point to correct a grammatical issue with the way the introduction of the policy moves into the specific matter covered by that bullet point.

486. As with other policies, Mr Bryce recommended that the bullet point matters be converted to a numbered list.

²⁰³ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

487. We largely agree with Mr Bryce’s recommendations on this policy, including his suggested reformatting in line with changes to previously policies. We think though that a further grammatical tweak is required to the first bullet point so it scans properly.
488. As regards to the fifth bullet point, we consider that with the amendments recommended by Mr Bryce, it goes part way to meeting the relief sought in Submission 117. That submitter did not appear to explain or support her submission and we do not think that we have an evidential basis to push this policy further towards treatment of stormwater in the absence of a proper quantification of costs and benefits, as required by section 32 of the Act.
489. In summary, therefore, and focussing on areas of suggested amendment, we recommend that the notified Policy 27.2.5.12 be renumbered 27.2.5.11 and amended to read:
- “Ensure appropriate stormwater design and management by having regard to:*
- a. any viable alternative designs for stormwater management that minimise run-off and recognise stormwater as a resource through re-use in open space and landscape areas;...*
 - e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.”*
490. Mr Bryce recommended insertion of a revised form of Policy 27.2.4.3 at this point. We have already discussed the form of the notified policy and the submissions on it²⁰⁴.
491. Mr Bryce did not recommend acceptance of the submissions on Policy 27.2.4.3 although we note that his Section 42A Report addressed a different submission to that in fact made in Submission 117 on this point (due presumably to an error in the summary of submissions).
492. Mr Bryce did recommend an addition to the policy to qualify it by reference to the acceptability of maintenance and operation requirements to Council if assets are to be vested.
493. The suggested addition itself raised questions in our mind that we discussed with Mr Wallace – seeking to ascertain what tests the Council would in fact employ to determine acceptability. As a result, Mr Bryce recommended a lengthy clarification be added to the policy as to the meaning of that term.
494. The end result, were Mr Bryce’s recommendations to be accepted, would shift the policy a significant distance from where it started. Nor do we think that the additions suggested by Mr Bryce respond to the submissions on Policy 27.2.4.3.
495. Going back to those submissions, we agree with the suggestion in Submission 806 that the focus of the policy should not be on what the Council will or will not do. The focus should be on subdivision design, rather than the Council’s actions.
496. We also think that Submitter 117 had a point when she observed that joint use may not always be desirable, on environmental grounds (i.e. a different point to the one Mr Bryce seeks to add). We do not think it would be helpful to add a generalised reference to appropriateness, but an effects-based test would address the point the submitter was making.

²⁰⁴ Refer paragraph 359-361 above

497. While we understand that Mr Bryce’s suggestions reflect a concern on the part of Council that this provision might be utilised by subdividers to try and off-load residual waste land onto Council, we do not consider that the policy would commit Council to accept vesting of such land where it is not fit for purpose or would impose unreasonable costs on the Council. However, if this is a concern, we recommend that it be addressed by a variation. We do not consider that the submissions on the policy provide a proper basis for the amendments Mr Bryce recommends.
498. Responding to those submissions, we recommend that the relocated Policy 27.2.4.3 be renumbered 27.2.5.12 and amended to read:
- “Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.”*
499. Turning to wastewater policies, notified policy 27.2.5.13 read:
- “Treating and disposing of sewage is provided for in a manner that is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.”*
500. The only submission on the policy²⁰⁵ sought amendments obviously designed to make the policy more succinct without altering its meaning. Mr Bryce recommended that the submission be accepted.
501. When we discussed this particular policy with Mr Bryce at the hearing, he agreed with a concern we expressed that an open-ended reference to avoiding or mitigating adverse effects might provide insufficient guidance to ensure adverse effects are minimised. Accordingly, Mr Bryce suggested in his reply evidence that the policy might explicitly state that adverse effects should be avoided in the first instance and, where this is not reasonably possible, minimised *“to an extent that is proportionate to the level of significance of the effects”*.
502. While we consider Mr Bryce’s suggested additions would improve the policy, given the limited ambit for amendment provided by Submission 632, we think that clarification of what the existing reference to avoiding or mitigating adverse effects should be taken to mean should more closely reflect the caselaw²⁰⁶.
503. In summary, we recommend that notified Policy 27.2.5.13 be renumbered 27.2.5.14 and revised to read:
- “Treat and dispose of sewage in a manner that:*
- a. maintains public health;*
 - b. avoids adverse effects on the environment in the first instance; and*
 - c. where effects on the environment cannot be reasonably avoided, mitigates those adverse effects to the extent practicable.”*
504. If the Council determines that greater certainty is required as to the level of mitigation provided under this policy, we recommend that it explore a variation to the PDP.

²⁰⁵ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²⁰⁶ Refer for instance *Winstone Aggregates Ltd v Papakura District Council A049/2002*

505. Notified Policy 27.2.5.14 read:

“Ensure appropriate sewage treatment and disposal by having regard to:

- *The method of sewage treatment and disposal;*
- *The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;*
- *The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.”*

506. The only submission on this policy²⁰⁷ sought its deletion. The submitter did not support this aspect of its submission in the evidence we heard (rather the contrary in fact) and Mr Bryce did not recommend any substantive change to the policy, much less its deletion. We agree.

507. Accordingly, we recommend that notified Policy 27.2.5.14 be renumbered 27.2.5.15 and reformatted to contain a list of numbered sub points starting in each case without a capital letter, but otherwise retained unamended.

508. Notified Policy 27.2.5.15 read:

“Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.”

509. The only submission on this policy²⁰⁸ sought an addition to state that such upgrades would be credited against development contributions.

510. Mr Bryce recommended the submission be rejected. We agree. Given that development contributions are assessed under the Council’s Development Contribution Policy promulgated under the Local Government Act, it is inappropriate that a policy in the PDP should seek to constrain how that development contribution policy is implemented. While we understand the concern developers might have that they might be required to “over spec” the infrastructure they install for the benefit of third parties, the policy is framed in a way that prompts consideration of future needs, rather than directing any particular outcome, thereby enabling negotiation of appropriate financial arrangements between the parties.

511. Accordingly, we recommend that notified Policy 27.2.5.15 be retained unamended, other than by renumbering it 27.2.5.16.

512. The following policy, 27.2.5.16 in the notified Chapter 27, related to energy supply and telecommunications. As notified, it read:

“To ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

- *Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;*
- *Ensure the method of reticulation is appropriate for the visual amenity values of the area by generally requiring services are underground;*
- *Have regard to the design, location and direction of lighting to avoid upward light spill, recognising the night sky is an element that contributes to the District’s sense of place;*

²⁰⁷ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²⁰⁸ Submission 453

- *Generally require connections to electricity supply and telecommunication systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.”*

513. This policy was supported by the telecommunication submitters. Substantive amendments were sought in Submission 635²⁰⁹ which sought to qualify the reference to underground reticulation, so it would apply “*where technically and operationally feasible*”. Submission 632²¹⁰ sought deletion of reference to underground reticulation and street lighting, along with amendments to generalise the reference to technology, soften the reference to amenity values, and shift the third bullet point into a separate policy. We have already discussed the last point, in the context of recommended Policy 27.2.5.5.

514. When we discussed this policy with Mr Bryce, he accepted that typically, telecommunication and electricity line services would not be undergrounded in rural environments and thus the second bullet point needed reconsideration. He also agreed with our suggestion that the range of relevant issues in deciding whether services should be undergrounded should extend to include landscape values.

These considerations prompted Mr Bryce to recommend that the second bullet point be amended to read:

“Ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that does not adversely impact upon visual amenity and landscape values of the receiving environment.”

515. We discussed also with Mr Bryce the application of the fourth bullet point in rural environments where a residential building platform has been identified. Mr Bryce’s advice was that typically in such cases, infrastructure connections would be to the building platform where there is one.

516. Mr Bryce also recommended specific reference be made in the fourth bullet point to services being supplied to residential building platforms.

517. Addressing these matters in turn, we agree that reference should be made to landscape values. We do not consider this a material change because the operative requirement (that reticulation is generally underground) is not altered, other than in the manner we are about to discuss.

518. We think that Mr Bryce is correct, and that some qualification of that position is required to recognise the impracticality of undergrounding telecommunication and electricity line services throughout the rural environment. Similarly, while we agree that there needs to be a limit on acceptance of over-ground utilities in the rural environment, we consider a policy of effectively no adverse impacts on visual amenity and landscape values would be too onerous given the generally high (if not outstanding) landscape values of almost the entire District. We recommend, therefore, a policy of minimising visual effects on the receiving environment.

519. As regards Mr Bryce’s suggestion (responding constructively to the point we had raised) that the fourth bullet point extend the obligation to provide services from lot boundaries to residential building platforms (where they exist), upon reflection, we have determined that

²⁰⁹ Aurora Energy Limited

²¹⁰ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

this would impose an obligation that the submissions on this policy would not justify. We remain of the view that this is a desirable amendment to Chapter 27 and thus we recommend that the Council institute a variation of Chapter 27 to insert Mr Bryce's recommended addition to the fourth bullet point reading:

"Where the subdivision provides for a residential building platform, the proposed connections to electricity supply and telecommunications systems shall be established to the residential building platform."

520. Accordingly, aside from numbering the bulleted sub-points of Policy 27.2.5.16 and starting each without a capital letter, renumbering it 27.2.5.17 and commencing the policy with the word "Ensure", the only amendments we recommend are to shift the third bullet point into Policy 27.2.5.5, amended as outlined above, and to amend the second sub-point so that it would read:

"ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises adverse visual effects on the receiving environment."

521. The final two policies in this section of the PDP relate to easements. The first, notified Policy 27.2.5.17, read:

"Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions."

522. The second, notified Policy 27.2.5.18, read:

"Ensure that easements are of an appropriate size, location and length for the intended use."

523. One submission²¹¹ sought that both policies be deleted. Another submission²¹² sought that they be retained. Mr Bryce recommended their retention because they give effect to the direction of notified Objective 27.2.5 by ensuring easements are provided and are of an appropriate size, location and length.

524. We agree with Mr Bryce's recommendation. We also agree with his suggestion (responding to a question we had) that the second policy might be amended to clarify its effect by adding *"of both the land and easement"* on the end. We do not regard that as a substantive change.

525. Accordingly, we recommend that notified Policies 27.2.5.17 and 27.2.5.18 be amended as above and renumbered to align with recommended changes above, but otherwise retained.

526. Having considered all of the policies recommended (27.2.5.1-18 inclusive), we consider that collectively they are the most appropriate way to achieve Objective 27.2.5 given the alternatives available to us.

4.7 Objective 27.2.6 and Policies Following

527. Objective 27.2.6 as notified, read:

²¹¹ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²¹² Submission 635

“Cost of services to be met by subdividers.”

528. It needs to be read together with the two supporting policies, the first of which (27.2.6.1) read:

“Require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), that are attributable to the effects of the subdivision or development, including where applicable:

- *Roading, walkways and cycling trails;*
- *Water supply;*
- *Sewage collection, treatment and disposal;*
- *Stormwater collection, treatment and disposal;*
- *Trade waste disposal;*
- *Provision of energy;*
- *Provision of telecommunications and computer media;*
- *Provision of reserves and reserve improvements.”*

529. The second policy (27.2.6.2) read:

“Contributions will be in accordance with the Council’s 10 Year Plan Development Contributions Policy.”

530. Submission 632²¹³ sought that the objective and both policies be deleted. Submission 285 sought to qualify the objective so that the obligation on developers and subdividers would only arise when existing services were up to standard. Submission 600²¹⁴ supported the objective. Submission 719 supported both the objective and the first policy. Submission 632 sought in the alternative to amend Policy 27.2.6.2 to emphasise that development contributions were managed through the Local Government Act.

531. Mr Bryce recommended amendments to the policies to shift reference to the Development Contribution Policy into the start of Policy 27.2.6.1, delete the existing Policy 27.2.6.2 but otherwise to retain the objective and first policy.

532. His reasoning was that these provisions assist in making PDP users aware of the need for development contributions and that upgrading of existing infrastructure is a consequence of subdivision development activity.

533. We disagree. The Development Contribution Policy operates under the Local Government Act in parallel with the PDP. As we have discussed in the context of other policies referring to development contributions, retaining provisions purporting to direct when and how development contributions will be collected blurs that distinction and creates the possibility that those provisions might be read as creating an independent right to levy financial contributions.

534. Mr Bryce’s explanation of the utility of the existing Objective 27.2.6 and the related policies suggested to us that their sole function is to operate as advice notes rather than objectives and policies.

²¹³ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²¹⁴ Supported in FS1209; Opposed in FS1034

535. Given our recommendation that Section 27.1 be amended to cross reference the Development Contribution Policy and emphasise the need for subdivision applicants to be aware of it, and the existence of a separate provision (notified section 27.12) providing further clarification of the position, we consider that this objective and the related policies serve no useful purpose. We recommend that they be deleted.

4.8 Objective 27.2.7 and Policies Following

536. Notified objection 27.2.7 read:

“Create esplanades where opportunities arise.”

537. One submission sought its deletion²¹⁵. Two submissions²¹⁶ supported the objective.

538. Mr Bryce did not support the deletion of the objective. In his view, it provided guidance on a relevant matter identified in sections 229 and 230 of the Act as to the purpose and meaning of Esplanade Reserves and Strips.

539. We agree in principle with Mr Bryce, but consider that the objective needs to be reframed. Starting with a verb, it expresses a course of action rather than an outcome. Accordingly, we recommend that the objective be renumbered 27.2.6 and amended to read:

“Esplanades created where opportunities arise.”

540. We do not regard this as a substantive change. We consider the amended objective to be the most appropriate way to achieve the purpose of the Act as it relates to provision of esplanade reserves and strips.

541. Policy 27.2.7.1 as notified read:

“Create esplanades reserves or strips where opportunities exist, particularly where the subdivision is of large-scale or has an impact on the District’s landscape. In particular, Council will encourage esplanades where they:

- *are important for public access or recreation, would link with existing or planned trails, walkways or cycles ways, or would create an opportunity for public access; have high actual or potential value with regard to the maintenance of indigenous biodiversity;*
- *comprise significant indigenous vegetation or significant habitats of indigenous fauna;*
- *are considered to comprise an integral part of an outstanding natural feature or landscape;*
- *would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;*
- *would not put an inappropriate burden on the Council, in terms of future maintenance costs or issues related to natural hazards affecting the land.”*

542. The only submission seeking substantive change to this policy²¹⁷ sought that it be significantly shortened to read:

“Create esplanades reserves or strips where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits.”

²¹⁵ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²¹⁶ Submissions 373 and 378: Opposed in FS1049, FS1095 and FS1347

²¹⁷ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

543. Mr Bryce recommended to us that Submission 632 be accepted in part – he thought that the amendments proposed made the broad policy clearer, but recommended that the six sub-points be retained as providing greater guidance.
544. We agree with Mr Bryce’s recommendation. We think that the sub-points in the notified policy contained important signposts as to when esplanade reserves or strips should be a priority, or alternatively where, notwithstanding other benefits, there is good reason that they not be created. We therefore recommend that Policy 27.2.7.1 be renumbered 27.2.6.1, but otherwise largely be revised as recommended by Mr Bryce. The only additional amendments we propose are minor grammatical changes. The revised policy would therefore read:
- “Create esplanade reserves or strips where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:*
- a. are important for public access or recreation, would link with existing or planned trails, walkways or cycles ways, or would create an opportunity for public access;*
 - b. have high actual or potential value with regard to the maintenance of indigenous biodiversity;*
 - c. comprise significant indigenous vegetation or significant habitats and indigenous fauna;*
 - d. are considered to comprise an integral part of an outstanding natural feature or outstanding natural landscape;*
 - e. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake or river;*
 - f. would not put an inappropriate burden on the Council, in terms of future maintenance costs or issues related to natural hazards affecting the land.”*
545. When we discussed esplanade reserves and strips with Mr Bryce, we identified that there appeared to be a gap in the policy coverage providing guidance as to the circumstances where an esplanade reserve or strip would otherwise be required under section 230 of the Act and a waiver is sought either to reduce the width of an esplanade reserve or to avoid the requirement to create an esplanade reserve or strip at all. Mr Bryce accepted that this was an apparent vacuum in the policies and undertook to cover the point in reply.
546. In his reply evidence, Mr Bryce suggested a new policy which would address these matters worded as follows:
- “Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where the following apply:*
- a. Safe public access and recreational use is already possible and can be maintained for the future;*
 - b. It can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural functioning of adjoining rivers or lakes;*
 - c. A reduced width in certain locations can be offset by an increase in width and other locations or areas, which would result in a positive public benefit in terms of access and recreation.”*
547. We have no issues with the form of the suggested new policy. We think it would be a desirable change to the notified Chapter 27 that would fill an evident policy gap.
548. However, we cannot identify any submission which would provide jurisdiction for making this change. In the Chair’s 22 May 2017 Minute, this was identified as a point that would merit the

Council addressing by way of variation. The Chair’s Minute also suggested that such a variation may also usefully provide guidance as to when the Council would prefer an esplanade strip as opposed to an esplanade reserve and identify the considerations that would come into play if a large lot were the subject of a subdivision.

549. Notified Policy 27.2.7.2 read:

“To use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in section 230 of the Resource Management Act 1991.”

550. The sole submission on this policy seeking change to it was that of submitter 632 proposing its deletion²¹⁸.

551. Mr Bryce did not recommend acceptance of that submission. His opinion was that the policy responded to matters raised under section 229-230 of the Act and therefore should be retained.

552. Given that the evidence for submitter 632 did not support the submission on this point, we have no basis to disagree with Mr Bryce. Accordingly, we recommend that notified Policy 27.2.7.2 be renumbered 27.2.6.2, but otherwise retained unamended, save only for minor grammatical changes (to delete the word “To” at the start of the policy and to refer to protection “of” the natural character and nature conservation values of lakes and rivers) and the substitute reference to “the Act”.

553. Considering our recommended policies 27.2.6.1 and 27.2.6.2 collectively, we consider that these policies are the most appropriate means to achieve our recommended Objective 27.2.6 given the alternatives available to us.

4.9 Objective 27.2.8 and Policies Following

554. Notified Objective 27.2.8 read:

“Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate, provide exemptions from the requirement of esplanade reserves.”

555. Submissions on this objective variously supported in its current form²¹⁹ sought that the reference to exemptions for esplanade reserves be deleted²²⁰, sought recognition that boundary adjustments do not create a demand for services and should be treated as controlled activities²²¹, and sought the deletion of the objective²²².

556. Mr Bryce recommended acceptance of Submission 383 on the basis that the objective as notified reads more like a policy than an outcome statement. As such, in his view, it needed to be recast focussing on the outcome, which is provision for boundary adjustments, cross leases and unit title subdivisions. We agree with that approach.

²¹⁸ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²¹⁹ Submission 370

²²⁰ Submission 383

²²¹ Submission 806

²²² Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

557. We do not support deletion of the objective which would then provide no policy support for a more favourable rule framework than might otherwise be the case. As will be seen in due course, we support recognising the characteristics of boundary adjustments, cross leases and unit titles as either creating few or no environmental impacts (or demand for services – as Submission 806 identified) or as facilitating urban development within urban areas, and thereby assisting achievement of the strategic objectives of the Plan. For the same reason, we agree with Mr Bryce’s proposed rejection of Submission 632 on this point.
558. In summary, therefore, we recommend that notified Objective 27.2.8 be renumbered 27.2.7 and revised to read:
- “Boundary adjustments, cross-lease and unit title subdivisions are provided for.”*
559. We consider that this objective is the most appropriate way to achieve the purpose of the Act in this context, given the alternatives available to us.
560. Policy 27.2.8.1 as notified read:
- “Enable minor cross-lease and unit title subdivision of existing units without the need to obtain resource consent where there is no potential for adverse effects associated with a change in boundary location.”*
561. The only submission specifically on this policy²²³ sought its retention.
562. Mr Bryce, however, recommended an additional sentence be added to the policy noting that the intention is not to enable subdivision of approved residential building platforms in Rural and Rural Lifestyle Zones by this means. We support that clarification as an aspect of the general point discussed earlier regarding the need to be clear when policies apply only in urban environments. This is an example of an urban-focused policy. However, we think the point could be made rather more succinctly.
563. We also recommend a minor amendment to the notified version of Policy 27.2.8.1 to delete the word ‘minor’. We think that is unnecessary given the policy requirement that there be no potential for adverse effects.
564. In summary, therefore, we recommend that Policy 27.2.8.1 be renumbered 27.2.7.1 and revised to read:
- “Enable cross-lease and unit title subdivision of existing units in urban areas without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.”*
565. Policy 27.2.8.2 as notified, read:
- “Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:*
- a. *The location of the proposed boundary;*
 - b. *In rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;*
 - c. *Boundary treatment;*

²²³ Submission 632: Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

d. *Easements for access and services.*”

566. The only submission that sought amendment to this policy²²⁴ focused on the fourth bullet point, seeking that it be altered to read:

“The location of existing or proposed accesses and easements for access and services.”

567. Mr Bryce recommended acceptance of that submission on the basis that the second bullet point already refers to existing or proposed accesses and amendment to the fourth bullet point would provide more effective linkage between the two.

568. While we agree there is merit in referring to both existing and proposed accesses in the fourth bullet point (because the second bullet point is limited to rural areas), we think the point might be made more simply. We also think it would be a mistake to limit consideration just to the location. Unlike fee simple titles, easements depend for their efficacy on the extent of the rights created by the easement. The existing wording would already cover that and so, if it is expanded to specifically include reference to location, we consider that specific reference to the terms of any easements (or other arrangements for that matter) is also required.

569. In summary, we recommend that the policy be renumbered 27.2.7.2, the list converted to numbered sub-points with the first word in lower case (consistent with our recommendations regarding the formatting of other policies) and the fourth sub-point be amended to read:
“the location and terms of existing or proposed easements or other arrangements for access and services.”

570. Mr Bryce also suggested addition of a further policy under this heading relating to unit title, strata title or cross lease subdivisions of existing approved buildings with land use consents permitting multi-unit commercial or residential development including visitor accommodation development.

571. This suggested new policy was discussed in Mr Bryce’s reply evidence²²⁵. This is a point we queried Mr Bryce about when he appeared at the hearing. As Mr Bryce noted, putting aside ‘minor’ cross-lease and unit title subdivisions addressed in (now) Policy 27.2.7.1, only renumbered Policy 27.2.7.2 provides any specific reference to unit title subdivision and even then, the policy is weighted towards boundary adjustments. While we agree with Mr Bryce’s view that unit title and cross-lease subdivisions are an important method for enabling the further intensification of urban areas provided for in the Plan’s strategic objectives, we do not think that there is jurisdiction to recommend addressing this shortcoming through a new policy. Certainly, we have not identified a submission which would provide such jurisdiction and Mr Bryce’s reply evidence suggests that there is no submission seeking a stand-alone policy of this kind.

572. This is another area where the Chair suggested in his 22 May 2017 Minute that a variation is warranted to correct a shortcoming in the notified PDP provisions.

573. During the course of the hearing, we discussed with the Council’s representatives the absence of a policy framework for Structure Plans. This was discussed in Mr Bryce’s reply evidence at section 9. Mr Bryce considered specifically the desirability of greater certainty as to what a structure plan is and what a structure plan must include in order to receive the benefit of

²²⁴ Submission 719

²²⁵ At paragraph 2.5

controlled subdivision activity status (as sought in the legal submissions of Ms Baker-Galloway).

574. Mr Bryce’s evidence was that no submissions specifically sought introduction of a policy framework and definition to support the application of structure plans. Accordingly, while he supported the idea that policies might provide for structure plans, his conclusion was that there was no scope to do so in the current process.
575. We agree with that conclusion²²⁶. Accordingly, this also was included in the Chair’s 22 May 2017 Minute, so that the detailed provisions of Chapter 27 that depend on the existence of structure plans might sit within an appropriate policy framework.
576. We consider the recommended policies as above are collectively the most appropriate way to achieve recommended objective 27.2.7, given the alternatives available to us.
577. Before leaving our discussion of the district-wide objectives and policies, we should note submission 238²²⁷ that sought a new objective be inserted: “*Discourage subdivision adjacent to Urban Growth Boundaries*”.
578. Mr Bryce recommended rejection of the submission on the basis that the underlying point is already suitably addressed in Chapters 3 and 4. We agree. Given the coverage at a higher level, we see no value in an additional objective overlapping, but not identical to the provisions recommended in Chapters 3 and 4, particularly given that it would be unsupported by any policy in Chapter 27.

5. SECTION 27.7 - LOCATION–SPECIFIC OBJECTIVES AND POLICIES

5.1 General

579. We have already noted the general submissions seeking reconfiguration of Chapter 27, among other things, to shift the location-specific objectives and policies forward in Chapter 27 so that they follow the general objectives and policies. As above, we agree with Mr Bryce’s recommendation that this reconfiguration would assist the clarity of the chapter and bring into line with other chapters of the PDP.
580. As Mr Bryce noted²²⁸, what was section 27.7 contained location-specific objectives, policies “*and provisions*”. The provisions in question either explicitly set out matters of discretion or identified relevant matters to be taken into account – examples are notified Sections 27.7.3, 27.7.6.1, 27.7.7.4, 27.7.14.2, 27.7.18.1 and 27.7.20. We agree with Mr Bryce’s observation that it is difficult to determine whether these are policies or rules, and like him, we consider that they are generally better shifted into a new table of location-specific provisions as part of the reconfiguration responding to the submissions on the point, in order to remove any uncertainty as to their purpose and status. We recommend revision of Chapter 27 accordingly.
581. Looking generally at the location-specific objectives and policies that remain, having shifted the text (including the section heading and introductory words that precede notified Objective 27.7.1) into a new Section 27.3, we consider that some further reformatting would assist the clarity of the PDP for the reader. Accordingly, rather than the subject matter being stated

²²⁶ While noting that later in this report, we recommend a limited definition of Structure Plans to remove the need to refer in each case to the entire range of documents serving the same purpose.

²²⁷ Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

²²⁸ Section 48A Report at 22.6

within the body of the objective, we recommend that in each case this be a heading that precedes the relevant objective and policies. Our recommended revised Chapter 27 shows this change, which we do not regard as substantive in nature.

5.2 Objectives 27.7.1 and 27.7.2, and Policies Following those objectives

582. Turning to the text of the objectives and policies, many were not the subject of submission and there is no aspect that we need to consider further. We propose, therefore, to address the location-specific objectives and policies on an exceptions basis.

583. Accordingly, the first provision that we need to mention is notified Objective 27.7.1 (renumbered 27.3.1) which relates to Peninsula Bay. Although Mr Bryce did not recommend any substantive amendments to it²²⁹, we consider that some rewording is required to more clearly express it as an outcome, that is to say as an objective.

584. Accordingly, we recommend that the word “ensure” be deleted with the result that the objective would read:

“Effective public access is provided throughout the Peninsula Bay land.”

585. We do not regard this as a substantive change. For the same reason, we recommend that notified Objective 27.7.2 (renumbered 27.3.2) related to Kirimoko be reworded to read:

“A liveable urban environment is created that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.”

586. In his Section 42A Report, Mr Bryce discussed a submission²³⁰ from the Council Parks Team seeking that notified Policy 27.7.2.8 (now 27.3.2.8) be revised so that rather than seeking minimisation of disturbance to existing native plant remnants, disturbance be avoided.

587. Mr Bryce recommended rejection of this submission on the basis that it is not necessary to appropriately give effect to the relevant objective and may not be achievable in all instances.

588. We heard no evidence from any other representative of Council that would provide a basis on which we might disagree with Mr Bryce. Accordingly, we recommend rejection of Submission 809 in this respect.

589. Policy 27.7.2.3 (renumbered 27.3.2.3), as notified, read:

“Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).”

590. The words in brackets are both unnecessary and out of place. The provision of a favourable zoning, or building line restrictions, as the case may be, are matters for the rules which implement the policy. We recommend that in each case, the words in brackets are deleted.

²²⁹ Mr Bryce did, however, recommend deletion of a cross reference to an ODP objective in the notified version of Section 27.7.1, referring to concerns about its validity. While we agree with that concern, the issue has been overtaken by the Stage 2 Variations.

²³⁰ Submission 809

The end result does not alter the meaning of the policy and therefore we regard it as a minor change within the scope of Clause 16(2).

5.3 Objective 27.7.4 and Policies Following

591. Notified Objective 27.7.4 (renumbered now 27.3.3) read as follows:

“Objective – Large Lot Residential Zone between Studholme Road and Meadowstone Drive – ensure protection of landscape and amenity values in recognition of the zone’s low density character and transition with rural areas.”

592. Mr Bryce recommended that this be reconfigured so that it is expressed as an outcome rather than a course of action. We agree both with the need to revise the objective and with the revised wording Mr Bryce suggests. Taking account of the insertion of a heading to identify the subject-matter of the objective, amended to reflect the recommendation of the Stream 6 Hearing Panel that the Large Lot Residential Zone be split into “A” and “B” zones, we recommend that this objective be reframed as:

“Landscape and amenity values of the zone’s low density character and transition with rural areas be recognised and protected.”

593. Submissions²³¹ sought that the word “ridgelines” in notified Policy 27.7.4.1 (now Policy 27.3.3.1) be substituted by the words “skyline ridges”. Mr Bryce did not recommend acceptance of that submission and we agree. The submitters did not appear to support their submission and it is not apparent to us that the amended wording would result in a policy which more appropriately gives effect to the relevant objective.

594. Notified Policy 27.7.4.2. (renumbered 27.3.3.2)) read:

“Subdivision and development within land identified as ‘Urban Landscape Protection’ by the ‘Wanaka Structure Plan 2007’ shall have regard to the adverse effects of development and associated earthquakes on slopes, ridges and skylines.”

595. We discussed with Mr Bryce the appropriateness of a cross reference to the Wanaka Structure Plan given the reasoning of the Council’s position with respect to the Land Development and Subdivision Code of Practice. Like the Code of Practice, the Wanaka Structure Plan sits outside the PDP. It is also not a Structure Plan in the sense referred to in other PDP provisions in that it does not guide the development of specific areas. Rather, as Mr Bryce put it, it is an expression of the strategic intent of Council which has legal effect because its provisions are incorporated into the PDP.

596. Mr Bryce addressed the point in his reply evidence²³² and suggested that the best course was to delete reference to the Structure Plan and to describe the area concerned.

597. Mr Bryce also noted that there is a submission specifically seeking deletion of the relevant policy and the ‘Urban Landscape Protection Line’ referred to in it²³³.

598. Mr Bryce recommended that further specific policy direction for this area be considered as part of the residential hearing stream.

²³¹ Submissions 65 and 74

²³² N Bryce, Reply Statement at 2.23-2.26

²³³ Submission 335

599. The Hearing Panel on the Residential Zone Stream (Stream 6) has not recommended any consequential changes to this policy and we agree with Mr Bryce's recommendations as to how it might be amended.

600. It follows that we recommend that what is now Policy 27.3.3.2 be reworded as:

"Subdivision and development within land located on the north side of Studholme Road shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines."

5.4 Objective 27.7.5 and Policies Following

601. Notified Objective 27.7.5 read:

"Objective – Bobs Cove Rural Residential Zone (excluding sub-zone) – Recognise the special character of the Bob's Cove Rural Residential Zone."

602. Mr Bryce recommended a grammatical change so that this objective also reads as an outcome statement. While we would prefer an outcome statement that was somewhat clearer as to the nature of the outcome being sought, in the absence of any submission on the point, we do not consider a more substantive amendment is possible. Accordingly, we agree with Mr Bryce's suggestion, with the result that we recommend that the objective (renumbered as 27.3.4) be reworded as:

"The special character of the Bob's Cove Rural Residential Zone is recognised and provided for."

603. Notified Policy 27.7.5.1 (renumbered 27.3.4.1) read:

"Have regard to the need to provide for street lighting in the proposed subdivision. If street lighting is required in the proposed subdivision to satisfy the Council standards, then in order to maintain the rural character of the zone, the street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on the night sky."

604. Mr Bryce identified that this policy contained a level of duplication that could be resolved without altering the policy meaning.

605. We agree with the desirability of expressing this policy more succinctly. However, we consider Mr Bryce's revision inadvertently altered the meaning by omitting reference to "required" street lighting. That would imply that street lighting is required at all locations. We recommend a further revision of the wording to address that point. The only additional amendment we recommend is consequential on changes to other PDP provisions, recognising that the night sky is not affected by light on the ground. What is affected are views of the night sky. Accordingly, we recommend that what is now Policy 27.3.4.1 would read:

"In order to maintain the rural character of the Zone, any required street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on views of the night sky."

5.5 Objective 27.7.6 and Policies Following

606. Notified Objective 27.7.6 related to the Ferry Hill Rural Residential Sub-Zone. Both the objective and Policy 27.7.6.1 following it are proposed to be deleted (and replaced) in the Stage 2 Variations, so we need say no more about it.

5.6 Objective 27.7.7 and Policies Following

607. Notified Objective 27.7.7 and its associated policies related solely to the Makarora Rural Lifestyle Zone. As the Hearing Panel hearing the mapping submissions in the Upper Clutha (Stream 12) has recommended all the land which was proposed to be zoned Rural lifestyle at Makarora be zoned Rural²³⁴, this objective and these policies can be deleted as a consequential amendment. Thus, we recommend their deletion.

5.7 Objective 27.7.8 and Policies Following

608. Notified Objective 27.7.8 (renumbered 27.3.5) relates to the Wyuna Station Rural Lifestyle Zone. Mr Bryce did not recommend any change to this policy, but consistent with other amendments he has recommended to objectives, we consider that some grammatical reformatting is required to express it more clearly as an outcome.

609. Accordingly, we recommend that this objective be revised to read:

“Provision for a deferred Rural Lifestyle Zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.”

5.8 Objective 27.7.9 and Policies Following

610. Notified Objective 27.7.9 is also related to the Wyuna Station Rural Lifestyle Zone. Mr Bryce recommended that this objective be reworded to be expressed more as an outcome. Consistent to our approach in relation to other objectives, we agree with Mr Bryce both in this regard and in relation to his correction of a cross reference to what is now objective 27.3.5²³⁵.

611. The only additional change required is a minor punctuation tweak. Accordingly, we recommend that what is now Objective 27.3.8, be reworded to read:

“Subject to Objective 27.3.5, rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road”.

5.9 Objectives 27.7.10-13 Inclusive

612. Notified Objectives 27.7.10-13 inclusive were not actually objectives at all. In each case they were labelled “Objective – Industrial B Zone”. Under the label “policies” for each, there is no policy either, just a note that this was reserved for Stage 2 of the PDP review. In effect, these are merely placeholders that in our view serve no useful purpose. Mr Bryce initially recommended their deletion, but following a discussion we had with him, querying whether any submission had sought that relief, resiled on that view. We too have reflected on the position, and have concluded that while no submission sought that outcome, it nevertheless open to us to recommend that the ‘objective’ and ‘policies’ in each case be deleted. Precisely because these provisions do not say anything, we do not regard this as a substantive change.

²³⁴ Refer Report 16.17

²³⁵ Accepting in this regard submission 481

5.10 Objective 27.7.14 and Policies Following

613. Notified Objective 27.7.14 (renumbered Objective 27.3.7) read:

“Objective - Jacks Point Zone – Subdivision shall have regard to identified location-specific opportunities and constraints.”

614. Mr Bryce recommended that this objective be revised to read:

“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.”

615. Mr Bryce did not explain the rationale for this change in his evidence proper. In his section 32 evaluation, he expressed the view that it was an administrative modification to cross refer the Structure Plan located in Chapter 41 that would result in efficiencies in PDP implementation.

616. Given that the first policy under this objective cross referred the objectives and policies in Chapter 41 that make extensive reference to the Jacks Point Structure Plan, we do not consider it a material change to clarify that the opportunities and constraints referred to are those identified within the Structure Plan, as indeed Mr Bryce advised was the intent.

617. We consider that the desired outcome could be expressed more succinctly as:

“Subdivision occurs consistent with the Jacks Point Structure Plan.”

618. As notified, Objective 27.7.14 was supported by 8 policies. Mr Bryce recommended the first notified policy be retained, the second (27.7.14.2) be transferred to the Rule governing compliant subdivision within the Jacks Point Zone (now 27.7.1) and the remaining six to the section he drafted (discussed below) providing assessment criteria.

619. We agree with those recommendations in the first two respects. However, the rule to which the suggested assessment criteria relate applied to non-compliance with standards for conservation areas within the Jacks Point Zone and the former policies apply to activity areas, not including those conservation areas. We consider the best approach is to retain them as policies supporting Objective 27.3.7, amended as required so that they read as policies. We regard the changes in wording and formatting required as minor changes within Clause 16(2) of the First Schedule.

620. Addressing the submissions on these policies, Submission 762²³⁶ sought a new heading for Policy 27.7.14.2 recognising that it provided matters of discretion. This has effectively been granted through Mr Bryce’s suggested reorganisation of provisions.

621. Submission 632²³⁷ sought that Policy 27.7.14.5 related to subdivisions below 380m² on the Hanley Downs portion of the zone. While we accept the need for the relevant rule (now 27.7.5.2) to provide for smaller sections in that area, we consider that the policy guidance should start at a higher point.

²³⁶ Opposed in FS1217, FS1219, FS1252, FS1277, FS1283, and FS1316

²³⁷ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

622. Submission 632²³⁸ also sought deletion of both Policies 27.7.14.7 and 27.7.14.8 related to cul-de-sacs and configuration of sites, parking, access and landscaping. Mr Bryce did not recommend deletion of these provisions. Mr Wells, giving evidence for the submitter, identified the first as having merit, but suggested it could be dealt with under more general provisions. He did not appear to address the latter submission specifically. Given that position, we prefer to be clearer as to the desired approach, and recommend retention of these provisions, but amended as above.

623. Mr Bryce recommended inclusion of two new policies in this section reading:

“Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Jacks Point Structure Plan located within Chapter 41.

The extent to which the subdivision achieves the matters of control listed under Rule 27.7.4 and as they relate to the Jacks Point Structure Plan located within Chapter 41.”

624. We think the first suggested policy is unnecessary because the objectives and policies located within Chapter 41, and cross referred in renumbered Policy 27.3.7.1, already enable subdivision in accordance with the Structure Plan.

625. The second suggested policy is framed as an assessment criterion rather than a policy.

626. Accordingly, we do not recommend inclusion of either of the two new policies that Mr Bryce suggested.

5.11 Objective 27.7.17 and Policies Following

627. Notified Objective 27.7.17²³⁹ related to Waterfall Park. There were no submissions specifically on this objective²⁴⁰ and Mr Bryce did not recommend any change to it.

628. We consider that minor grammatical changes would better identify the outcome sought by this objective and that, for the same reasons as apply in relation to the Jacks Point objective just noted, it would be desirable to cross reference the Waterfall Park Structure Plan.

629. Accordingly, we recommend that Objective 27.7.17 be renumbered 27.3.8 and reworded to read:

“Subdivision that provides for a range of visitor, residential and recreational facilities, sympathetic to the natural setting and has regard to location specific opportunities and constraints identified within the Waterfall Park Structure Plan.”

630. Mr Bryce recommended no change to notified policy 27.7.17.1 other than consequential renumbering. The policy refers to the Waterfall Park Structure Plan as being located within Chapter 42. As we will discuss later in this report in greater detail, we consider that all of the Structure Plans relevant to the subdivision rules and policies should be located in Chapter 27. Accordingly, we recommend that that cross reference be amended accordingly.

²³⁸ Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

²³⁹ There were no Objectives 27.7.15 and 27.7.16

²⁴⁰ Other than seeking that it be shifted to accompany the other objectives and policies in Chapter 27 (Submission 696)

631. Mr Bryce recommended a new policy under this objective framed in a similar manner to the second policy he suggested for the Jacks Point Zone. For the same reasons as above, we do not recommend inclusion of a policy that is framed as an assessment criterion.

5.12 Objective 27.7.19 and Policies Following

632. Notified Objective 27.7.19 related to the Millbrook Special Zone. There were no submissions on the wording of this objective²⁴¹ and Mr Bryce did not recommend any change to it other than renumbering it to reflect his suggested reorganisation of the chapter. For our part, aside from renumbering it 27.3.9 to reflect our recommendations as above, we recommend a minor grammatical change to more clearly express the objective as an outcome, so that it be worded:

“Subdivision that provides for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.”

633. Notified Policy 27.7.19.1 is framed in a similar manner to the parallel policy related to Waterfall Park. Mr Bryce did not recommend any change to it (other than consequential renumbering). For the same reasons as above, we recommend that the renumbered Policy 27.3.9.1 should cross reference the Millbrook Structure Plan located within Chapter 27.

634. As for Jacks Point and Waterfall Park, Mr Bryce recommended a new policy be inserted related to the extent to which the subdivision achieves the matters of control listed in the relevant rule. For the same reasons as above, we do not recommend inclusion of such a policy.

635. As a result of the recommendations of the Stream 13 Hearing Panel²⁴², an objective and some seven policies are included to address subdivision activities within a new (Coneburn Industrial) zone. These have been inserted in a new Section 27.3.10.

636. Similarly, two new objectives and related policies have been inserted as 27.3.11 and 27.3.12 governing subdivision in the West Meadows Drive area of Wanaka and the Frankton North area, consequent on the recommendations of the Stream 12 and 13 Hearing Panels²⁴³ respectively.

5.13 Conclusion on Location and Zone-Specific Objectives and Policies

637. Looking overall at the location-specific objectives and policies, we have a concern that many of these provisions have been rolled over from the ODP with no apparent thought having been given to whether they remain appropriate. Many of the policies, in particular, relate to actions apparently taken in the past or referenced to such past actions. Renumbered Policy 27.3.1.1 refers, for instance, to actions being taken before any subdivision or development occurs within the Peninsula Bay Lower Density Suburban Residential Zone. Our understanding is that development of the Zone has already proceeded. We wonder whether that policy is effectively ‘spent’. Similarly, Policy 27.3.7.1 seeks prohibition or deferral of development of the Wyuna Station Rural Lifestyle Zone until such time as one of three servicing options is undertaken. Mr Bryce confirmed to us that the intention is not that, by restating the existing policy, there should be an opportunity to move to a different wastewater disposal option, as appears to be the effect of restating the policy in the same form as appears in the ODP.

²⁴¹ Although it appears Submission 696 may have been misdirected, referring variously to Objective 27.7.17, Policy 27.7.17.1 and Section 27.7.18.1, that all relate to Waterfall Park.

²⁴² Refer Report 17-8 Part F

²⁴³ Refer Reports 16.2 at Section 2.11 and Report 17-6 Parts A, B and C

638. Given the paucity of submissions on this part of Chapter 27, it was beyond the scope of our inquiry to address these matters. However, we recommend that the Council undertake a complete review of the location-specific objectives and policies to determine whether they are necessary and appropriate having regard to development that may already have occurred within the respective zones. To the extent that the outcome of such a review is a finding that one or more of the objectives and/or policies needs to be amended or deleted, we recommend that this be part of a variation to the PDP.
639. We record, however, that we have considered each of the recommended objectives in this section of Chapter 27 and that, with the amendments and deletions recommended, the resulting objectives are the most appropriate way in which to achieve the purpose of the Act, given the alternatives available to us.
640. We further record that we have considered the policies in this section and again, having regard to the alternatives available to us, we consider that, in each case, the policies supporting the location-specific objectives recommended, are the most appropriate means to achieve those objectives.

6. SECTION 27.3 - OTHER PROVISIONS AND RULES

6.1 27.3.1 – District Wide Provisions

641. The purpose of notified Section 27.3 was evidently to provide clarification as to the relationship between Chapter 27 and the balance of the PDP, and to describe the inter-relationship of Chapter 27 with the ODP. Section 27.3.1 as notified outlined a number of district wide chapters of relevance to the application of Chapter 27.
642. The only submission on Section 27.3.1²⁴⁴ sought that specific emphasis be given to Chapter 30 as it relates to subdivision use and development near the National Grid. Mr Bryce did not recommend acceptance of that submission on the basis that issues related to the National Grid were more properly identified in the substantive provisions of Chapter 27 and because drawing out Chapter 30 would give it too much emphasis when all the district-wide chapters need to be considered. We agree with Mr Bryce’s analysis on both counts. Mr Bryce recommended only minor cosmetic changes to Section 27.3.1.
643. For our part, we thought that the distinction drawn between provisions within Stage 1 of the PDP and ODP provisions (or “Operative” provisions as Mr Bryce suggested) in Section 27.3.1 was unhelpful given that following resolution of any appeals on the PDP, its provisions will form part of the ODP. In addition, the chapter heading of Chapter 6 listed in the table following needs to be amended to reflect recommendations of the Hearing Panel hearing submissions on that chapter. Lastly, chapter headings affected by the Stage 2 Variations need to be noted in italics pending decisions as part of that process.
644. As a consequence, we recommend deletion of the second sentence of notified Section 27.3.1 (now renumbered 27.4.1), deletion of reference to provisions being in the ODP in the table following, and amendment of the reference to Chapter 6 (so that it is entitled “*Landscapes and Rural Character*”).

²⁴⁴ Submission 805

6.2 27.3.2 – Earthworks Associated with Subdivision

645. Notified Section 27.3.2 contained ‘clarification’ as to the status of earthworks associated with subdivision activities. The intention appeared to be that earthworks form part of the consideration of subdivision applications, but be considered in terms of matters of control and discretions contained in the District Wide Earthworks Chapter.

646. We identified this as raising a number of difficult issues. Fortunately perhaps, our need to grapple with those issues has been overtaken by the Stage 2 Variations which have proposed an amendment to 27.3.2. We need therefore address it no further.

6.3 27.3.3 – Zones Exempt from PDP and Subdivision Chapter

647. Section 27.3.3 of the notified PDP listed a number of zones under the heading:

“Zones exempt from the Proposed District Plan and subdivision chapter.”

648. The first list (in notified Section 27.3.3.1) listed certain zones²⁴⁵ which did not form part of the PDP Stage 1 and in respect of which the Subdivision Chapter does not apply. The second list (in notified Section 27.3.3.2) referred to the three special zones the subject of Chapters 41-43 of the PDP and stated that they were the exception and that the balance of the special zones within Chapter 12 of the ODP were excluded from the operation of the Subdivision Chapter.

649. In its Report 2, the Hearing Panel discussed the lack of clarity generally, if not confusion, as to the matters covered by the PDP, of which these provisions are but one example. The Hearing Panel suggested to counsel for the Council that rather than have provisions buried in the Subdivision Chapter explaining what matters were within the purview of the PDP and what matters were not was not helpful and that it would assist the reader if such clarification were provided in the opening sections of the PDP. The answer the Hearing Panel received from the Council’s representatives was that the Council preferred not to make a statement as to what matters were covered by the PDP in the introductory sections of the PDP, because that would only get overtaken by subsequent plan changes, necessitating that the explanation would itself need to be changed. The advice we had from counsel was that Council preferred to provide such clarification by means of explanations on the Council website.

650. The same logic would suggest that Section 27.3.3 should be deleted, because it raises the same issues as a clarification in the introductory sections would have done.

651. We had other issues with this part of the Chapter. We do not think it is helpful to refer to the PDP: Stage 1 given that at the completion of this process, the final form of the PDP will then form part of the ODP. While we note the advice received subsequently²⁴⁶ that Council’s intention is that the provisions of the PDP, once operative, will be held in a separate volume of the District Plan applying to most but not all of the District, it will still not be correct to describe that volume as the “Proposed District Plan”.

652. For the same reason, we do not think it is helpful to refer to Chapter 12 of the ODP given that, upon the PDP becoming operative, Chapter 12 will contain provisions related to Queenstown Town Centre, and not the special zones intended to be referred to by notified Section 27.3.3.2.

²⁴⁵ Frankton Flats A, Frankton Flats B, Remarkables Park, Mount Cardrona Station, Three Parks, Kingston Village Special Zone, Open Space Zone

²⁴⁶ Counsel for the Council’s Memorandum dated 23 November 2016

653. Mr Bryce sought to resolve at least some of these issues by suggesting deletion of reference to the PDP Stage 1 in notified Section 27.3.3.1, but created new issues by suggesting insertion of a reference to Chapter 15 of the ODP.
654. Subsequently the provisions have been overtaken in part (as regards reference to the Open Space Zone) by the Stage 2 Variations.
655. The only submissions on this part of Chapter 27 sought variously an amendment to the heading²⁴⁷ and insertion of a reference to a proposed new zone in notified provision 27.3.3.2²⁴⁸. This is not a promising basis for clarification of the complex position we have described above.
656. Our concerns in relation to this section were effectively overtaken by the advice we received²⁴⁹ that Council had determined that the appropriate way to resolve the difficulties in determining what plan provisions apply to what land is to insert clarification by way of plan variation under clause 16A. The Council's resolution of 25 May 2017 (discussed in Report 1) withdrawing a number of the zones listed in notified 27.3.3.1 from the PDP is an additional consideration.
657. Against that background, we recommend that Section 27.3.3 be deleted from Chapter 27 in effect, so Council can start, in effect, with a 'blank slate'. We regard this as a minor non substantive change because, to the extent section 27.3.3 records that Chapter 27 does not apply to zones not part of the PDP, it does no more than state the position as we believe it to be in any event. We discuss this further in Section 8.1 below.

6.4 Section 27.11 – Natural Hazards

658. Section 27.11 discussed the role of the Natural Hazards Chapter of the District Plan. Because renumbered Section 27.4 operates as a 'catchall' of other relevant provisions in the PDP, we consider Section 27.11 should form part of the provisions referenced in Section 27.4. There was only one submission on Section 27.11²⁵⁰, which sought that it reference section 106 of the Act. We are a little unclear as to the point of the submission given that Section 27.11 already does reference section 106.
659. Be that as it may, we recommend that notified Section 27.11 is shifted into a subsection of renumbered Section 27.4 (as 27.4.3), but otherwise be left unamended.

6.5 Conclusion

660. We have considered the provisions recommended for renumbered Section 27.4 as a whole. We consider that collectively, they are the most appropriate means to achieve the objectives of the PDP as they relate to subdivision and development, given the alternatives available to us in this context.

²⁴⁷ Submission 580

²⁴⁸ Submission 806

²⁴⁹ In counsel for the Council's 23 November 2016 Memorandum

²⁵⁰ Submission 806

7. SECTION 27.4 - RULES – SUBDIVISION

7.1 Introduction

661. Before commencing a review of the submissions on the rules of Chapter 27 as notified, we note that Mr Bryce suggested that consequent on reformatting of the rules he had suggested, there needed to be an initial introductory statement regarding the rules. We agree both with the need for explanation and the suggested text. Our recommended revised Chapter 27 shows the new text as Section 27.5.1.

662. We also consider that it is desirable to provide for the situation that might potentially arise when an activity falls within more than one rule. In such cases, unless stated otherwise in the rules, activity status should be determined by the most restrictive rule, and so we recommend the following be added:

“Where an activity falls within more than one rule unless stated otherwise, its status shall be determined by the most restrictive rule.”

7.2 Boundary Adjustments

663. The next rule requiring consideration is notified Rule 27.6.1.1. This is a permitted activity rule for certain boundary adjustments. The only submissions that sought amendment to the notified rule were from the survey companies²⁵¹ seeking variously acknowledgement of the requirement for a Certificate of Compliance under section 223 of the Act and a minor grammatical change to improve the English.

664. Mr Bryce recommended acceptance of the former point and suggested also a clarification of the reference in the notified rule to a resource consent (to identify what type of resource consent is required). We accept both recommendations in substance, but we think both the wording and the formatting suggested by Mr Bryce needs a little massaging. Specifically, the cross reference should be to a ‘*land use consent*’ so as to pick up on the language of section 87(a) of the Act and the formatting needs to make it clear that this rule relates to one activity that might arise in a number of different situations. The cross reference to section 223 needs to be framed more clearly as an advice note drawing attention to the fact that this is a collateral obligation. Lastly, we recommend that the minor grammatical change suggested in Submission 370 be accepted.

665. The end result is that we recommend that renumbered **Permitted Activity** Rule 27.5.2 be framed as follows:

“An adjustment to an existing cross-lease or unit title due to:

- a. an alteration to the size of the lot by alterations to the building outline;*
 - b. the conversion from cross-lease to unit title: or*
 - c. the addition or relocation of an accessory building;*
- providing the activity complies with all other provisions of the District Plan or has obtained a land use consent.*

Advice Note

In order to undertake such a subdivision, a Certificate of Compliance (s139 of the Act) will need to be obtained (see s223(1)(b)).”

²⁵¹ Submissions 370 and 453

666. In his Section 42A Report, Mr Bryce noted a number of submissions²⁵² seeking provision for boundary adjustments not falling within notified Rule 27.6.1.1 as a controlled activity. Mr Bryce noted that under the notified Plan, such boundary adjustments would fall within the default discretionary rule already discussed. In Mr Bryce's view, boundary adjustments are an important and frequently utilised mechanism (he cited a statistic provided in the section 32 evaluation to the effect that of 677 subdivisions advanced between 2009 and 2015, 125 were boundary adjustments). Accordingly, Mr Bryce recommended inclusion of a new controlled activity rule for boundary adjustments. Mr Bryce felt, however, that boundary adjustments within the Arrowtown urban limits, and on sites containing heritage or other protected or scheduled items should be dealt with under a different rule with a greater level of discretion – he recommended a new restricted discretionary activity rule for such boundary adjustments.
667. We agree with Mr Bryce that there is a case for a less regulated approach to boundary adjustments than in the notified plan, that most boundary adjustments can appropriately be considered as controlled activities (subject to suitable conditions) and that a greater level of discretion is required for sites with identified sensitivity, or more generally in Arrowtown (but still short of full discretionary status).
668. Focussing on the new controlled activity rule, Mr Bryce largely recommended acceptance of the proposed matters of control suggested in the submissions subject to some drafting changes to express them more clearly. We discussed with Mr Bryce whether there needed to be an additional precondition requiring that lots be immediately adjoining each other to avoid the rule being used in situations that while technically able to be described as boundary adjustments, create additional issues. Mr Bryce agreed that that was a desirable additional precondition. We also consider that the situations proposed Rule 27.5.3 addresses might be expanded on to cover the situation where the existing lots already do not comply with the specified minimum lot areas. Subject to that point, we recommend inclusion of a new **Controlled Activity** rule numbered 27.5.3, with only minor additional rephrasing and reformatting from that suggested by Mr Bryce, reading as follows:

“For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:

- a. in the case of Rural, Gibbston Character and Rural Lifestyle Zones, any approved building platform is retained in its approved location;*
- b. no additional or relocated residential building platform is identified and approved as part of a boundary adjustment within the Rural, Gibbston Character and Rural Lifestyle Zones;*
- c. no additional separately saleable lots are created;*
- d. the areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable) or where any lot does not comply with an applicable minimum lot size requirement for the zone, the extent of such non-compliance is not increased; and*
- e. lots must be immediately adjoining each other.*

²⁵² Submissions 532, 534, 535, 762, 763, 767, 806: Supported in FS1097, FS1157, FS1259, FS1267 and FS1322; Opposed in FS1068, FS1071, FS1217, FS1219, FS1252, FS1277, FS1283 and FS1316

Control is reserved to:

- a. the location of the proposed boundaries;*
- b. boundary treatment;*
- c. easements for existing and proposed access and services.”*

669. Similarly, we largely accept Mr Bryce’s recommendation of a new restricted discretionary activity rule. Amendment is, however, required to adjust the language recommended by Mr Bryce, to make it clear that this is indeed a restricted discretionary rule – reference to reservation of control is therefore not appropriate. The only additional changes we consider necessary are to separate the two situations where the rules apply (for clarity), to emphasise that the focus should be on heritage or other protected items identified on the PDP maps, to provide certainty, insertion of the same precondition regards boundary adjustments involving sites that are not adjacent as in Rule 27.5.3, and minor grammatical and formatting changes.
670. Accordingly, we recommend inclusion of a new **Restricted Discretionary Activity** rule numbered 27.5.4, worded as follows:

“For boundary adjustments that either:

- a. involve any site that contains a heritage or other protected item identified on the District Plan maps; or*
- b. any boundary adjustment within the Urban Growth Boundary, of Arrowtown where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:*
 - a. no additional separately saleable lots are created;*
 - b. the areas of the resultant lots comply with the minimum lot size requirement of the zone;*
 - c. lots must be immediately adjoining each other.*

Discretion is restricted to:

- a. the impact on the heritage values of the protected item;*
- b. the maintenance of the historic character of the Arrowtown Residential Historical Management Zone;*
- c. the location of the proposed boundaries;*
- d. boundary treatment;*
- e. easements for access and services.”*

671. Establishing rules governing boundary adjustments with conditions on their application requires consideration of the position should those conditions not be met. For boundary adjustments within the urban zones covered by the PDP, non-complying boundary adjustments will fall within the new default rule (25.5.7) discussed earlier, and will therefore be considered as restricted discretionary activities. While this is the same status as activities within Rule 25.5.4, there are a much more extensive list of matters over which discretion is reserved and so we do not view this as inappropriate. Likewise, non-complying boundary adjustment within the Rural Residential and Rural Lifestyle Zones will fall within the new Rule 25.5.8. Lastly, non-complying boundary adjustments within the Rural and Gibbston Character Zones will be considered as discretionary activities under Rule 27.5.11, reflecting the greater potential sensitivity of land in those zones.

7.3 Unit Title or Leasehold Subdivision

672. Mr Bryce also recommended a new controlled activity rule to cater for “*unit title, strata title or cross lease subdivision of a multi-unit commercial or residential development the subject of a land use consent*”. This recommendation was in conjunction with Mr Bryce’s suggestion of a new policy to follow renumbered 27.2.7.2 providing for such subdivisions. We have already concluded that there is no jurisdiction for us to recommend a new policy to this effect²⁵³ and recommended a variation to address the issue. We do not, however, think that there are any jurisdictional impediments to inserting a rule to this effect given the numerous submissions seeking that all subdivision activities be controlled activities.
673. There are, however, some aspects of Mr Bryce’s suggested rule that we consider require amendment. First, we do not consider that separate reference need be made to strata titles given that this has no clear meaning in terms of the PDP and, as a matter of property law, there is no meaningful distinction between a stratum title and a unit title²⁵⁴.
674. Secondly, although Mr Bryce focussed on cross-leased subdivisions, we consider that the precise nature of the leasehold interest in question should not influence the status which is appropriate for such subdivisions.
675. Thirdly, Mr Bryce suggested that the Council reserve control over the effects of infrastructure provision. For the reasons discussed above in relation to the Aurora line network, we consider that the reservation of control needs to include effects “*on*” infrastructure provision as well as “*of*” infrastructure provision.
676. As previously, the rule should refer to an approved “*land use consent*”. We have amended the description of the matters of control for consistency also.
677. Mr Bryce’s recommended rule included a reference to fee simple subdivisions. We consider that the wording could be clarified as to what is meant by that, and to state more clearly what it is intended to apply to.
678. Lastly, Mr Bryce suggested a reference to lots containing an approved land use consent. A lot does not contain consents. Resource consents sit alongside property rights, which is why a land use consent is described as running with the land. We therefore recommend that the reference be to lots “*the subject of*” an approved land use consent.
679. In summary, therefore, we recommend inclusion of a new **Controlled Activity** rule numbered 27.5.5 reading as follows:

“Where a land use consent is approved for a multi-unit commercial or residential development, including visitor accommodation development, and a unit title or leasehold (including cross lease) subdivision is subsequently undertaken in accordance with the approved land use consent, provided:

- a. all buildings must be in accordance with an approved land use consent;*
- b. all areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or any other such purpose;*

²⁵³ Refer paragraph 562 above

²⁵⁴ A stratum estate is an estate (in fee simple or leasehold) created under the Unit Titles Act 2010 – see Principles of Real Property Law, Hinde et al, 2nd edition 3.004C

- c. *all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.*

Control is reserved to:

- a. *the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;*
b. *the effects of and on infrastructure provision.*

This rule does not apply to a subdivision of land creating a separate fee-simple title.

The intent is that it applies to subdivision of a lot the subject of an approved land use consent in order to create titles in accordance with that consent."

7.4 District Wide Subdivision Rules

680. Putting aside recommended Rule 25.5.6, that we will come to shortly, the next two rules in our recommended section 27.5 are Rules 27.5.7 and 27.5.8 discussed earlier²⁵⁵.
681. Mr Bryce drew our attention in his Section 42A Report to a submission by Transpower New Zealand Ltd²⁵⁶ seeking a new rule in the Utilities Chapter (Chapter 30) that would make subdivision of land within a defined distance either side of national grid lines a restricted discretionary activity, subject to a condition/standard requiring that all allotments identify a building platform for the principal building and any dwelling to be located outside the corridor. The submission further sought a default non-complying activity rule, to operate in conjunction with the restricted discretionary activity rule.
682. Mr Bryce recommended that this submission be considered in the context of Chapter 27 and we agree with that suggestion. We also note the relevance of the policy we have recommended above as 27.2.2.8, which in turn reflects the provisions of the Proposed RPS provisions related to regionally significant infrastructure and the NPSET 2008.
683. We agree with Mr Bryce that a rule framework is required to support these policy provisions and that the need to protect the operation of the national grid means that there must be provision for applications to be declined if required. That means in practice that the rules should at least be restricted discretionary in nature.
684. In relation to the framing of the rule, by Mr Bryce's reply, he had largely agreed with the suggestions made by Ms McLeod in relation to his initial draft attached to the Section 42A Report. For our part, we think that, aside from minor wording and formatting changes for consistency, two amendments are required to Mr Bryce's draft rule. The first is that Mr Bryce's draft refers to the "*National Grid Subdivision Corridor*". We asked Ms McLeod about this and she saw no reason not to call the area in question just "*National Grid Corridor*". This would have the practical advantage of enabling utilisation of the existing definition, which Transpower did not seek to substantively change.
685. The second amendment is to the specified condition/standard Transpower sought and Mr Bryce agreed that the condition/standard should have, with the result that the rule would apply "*where all allotments identify a building platform for the principal building and any dwelling to be located outside of the National Grid Yard*". This would mean that a subdivision in the vicinity of the National Grid lines not involving construction of any building or dwelling,

²⁵⁵ See the discussion at paragraphs 99-176 above

²⁵⁶ Submission 805: Opposed in FS1132

such as the creation of a reserve or a subdivision for utility purposes, would become a non-complying activity. We therefore recommend that the provision be turned around so it expresses the position on an exceptions basis.

686. Accordingly, we recommend inclusion of a new **Restricted Discretionary** rule numbered 27.5.10²⁵⁷, worded as follows:

“Subdivision of land in any zone within the National Grid Corridor except where any allotment identifies a building platform to be located within the National Grid Yard.

Discretion is restricted to:

- a. impacts on the operation, maintenance, upgrade and development of the National Grid;*
- b. the ability of future development to comply with NZECP34:2001;*
- c. the location, design and use of any proposed building platform as it relates to the National Grid transmission line.”*

687. The corollary of this rule is a further non-complying activity rule for subdivisions that do not comply with the standard. We accept Mr Bryce’s recommendation as to its wording save that the cross reference should be to the National Grid Corridor and a consequential renumbering.

688. As a result, we recommend inclusion of a new **Non-Complying** activity rule numbered 27.5.24 worded:

“Any subdivision of land within the National Grid Corridor, which does not comply with Rule 27.5.10.”

689. Mr Bryce’s recommended set of rules next had a new restricted discretionary activity rule for subdivision of land within a defined distance from electricity sub-transmission lines, responding to the submissions of Aurora Energy Limited²⁵⁸.

690. We have already addressed the point more generally, by recommending inclusion of a discretion over adverse effects on energy supply and telecommunication networks in the context of recommended Rules 27.5.7 and 27.5.8 and control over effects on infrastructure in Rule 27.5.5. Against this background, we do not regard a rule specifically applying to electricity sub-transmission lines as being required.

691. The next rule recommended by Mr Bryce is a discretionary activity rule governing subdivision activities in the Rural and Gibbston Character Zones. The need for this rule is a consequence of shifting from a discretionary default rule (as per notified rule 27.4.1). We have already addressed the need to treat subdivisions in the Rural and Gibbston Character Zones differently to subdivisions in other zones and so we do not need to go back over that ground (except in relation to the Ski Area Sub-Zones, which we will discuss shortly). Mr Bryce also recommended that an exception be made for subdivisions undertaken in accordance with Rule 27.5.5.

692. The evidence we heard from the representatives of some of the ski companies²⁵⁹ was that in the existing ski areas, there might well be leasehold subdivisions of accommodation facilities. While it is difficult to contemplate a situation where multi-unit commercial residential developments would occur in the Rural Zone outside the ski areas, we think that the same

²⁵⁷ Leaving 27.5.9 available for a new rule proposed in the Stage 2 Variations.

²⁵⁸ Submission 635: Opposed in part in FS1301

²⁵⁹ Submissions 610 and 613

logic would apply to such subdivisions: provided the subdivision occurs in conjunction with an approved land use consent, it might properly be considered as a controlled activity.

693. Subdivisions under Rule 27.5.5 are not, however, the only potential exception to full discretionary activity status in the Rural and Gibbston Character Zones. Rules 27.5.2-4 also might apply. We therefore consider the exception needs to be more generic – “*unless otherwise provided for*”. That formulation would also enable non-complying boundary adjustments in these zones to be addressed under Rule 27.5.11, in the manner we discussed above²⁶⁰.
694. Turning to the broader submission made on behalf of submitters 610 and 613 that subdivision within the Ski Area Sub-Zones should be a controlled activity rather than discretionary, as for the balance of the Rural Zone, this was the subject of extensive legal submissions and planning evidence.
695. The argument for the Ski Company submitters, building on the case they advanced in the Stream 2 hearing related to the relevant provisions of Chapter 21, is that the PDP identifies the Ski Area Sub-Zones as an important area for growth and development by reason of their contribution to the District’s economy and provides an enabling policy and rule framework. It was argued that the Ski Area Sub-Zones are quite different to the balance of Rural Zoned land and that their different purpose justifies a different subdivision status. Specific attention was given to the extent of modification which, in counsel’s submission, justified the exclusion from the stringent policies applicable to ONLs and ONFs. The submitters also emphasised the importance of subdivision as a means to optimise ski area operations and to enable their continued prosperity. It appears from the evidence we heard that a major strategic initiative planned by the submitters is creation of ski villages with accommodation on the mountain. Subdivision is required, so we were told, to facilitate this although, as noted above, probably by way of lease rather than freehold subdivision.
696. While the Ski Area Sub-Zones are atypical in the context of the Rural Zone as a whole, we think it also needs to be recognised (as noted in the Hearing Panel’s Report 3) that exclusion of the Ski Area Sub-Zones from the ONL classification process is something of an anomaly. They are clearly not sufficiently large to be landscapes in their own right and they have been developed (so far) in a manner which does not appear to have caused the broader landscapes within which they sit to cease to have the qualities justifying a classification as an ONL. We also think it needs to be borne in mind that minimum lot sizes are a key constraint in the Residential, Rural Residential and Rural Lifestyle Zones justifying a less restrictive rule regime for subdivision and development in those zones. The absence of a minimum lot size in the Rural Zone both enables flexibility in design and requires a greater level of discretion to be retained.
697. At the hearing, we explored with the representatives of the submitters whether subdivision on a more favourable basis might be limited to discrete parts of the Ski Area Sub-Zones (specifically, the ski bases). The thought that we had in mind was that in those parts of the Sub-Zone, there is an existing level of development and incremental subdivision and development within a defined area around the ski base facilities might be able to be provided for on a less restrictive basis.
698. However, when the submitters reappeared on 17 August accompanied by Mr McCrostie, he advised that while they were not looking to undertake subdivision and development across the entire ski area (that would of course defeat the whole purpose of a ski facility) there were

²⁶⁰ See paragraph 658 above

Pods across the field where visitor accommodation, food and beverage operations and the like might be located, so it was not as simple as identifying a single discrete area within each Sub-Zone.

699. We discussed with the representatives of the submitters whether this conundrum might be addressed by a structure plan type approach and when they reappeared on 17 August, Mr Ferguson had clearly given considerable thought to this suggestion. He tabled suggested revised rules based on the subdivision being undertaken in accordance with a Landscape and Ecological Management Plan for the Sub-Zone, that additional feature justifying controlled activity status. It occurred to us that such an arrangement might raise issues of the kind that were addressed in the litigation on the Proposed Auckland Unitary Plan surrounding the use of framework plans²⁶¹. Counsel for the submitters, Ms Baker-Galloway responded that the concept is one where an activity is consented, and an application contains the Landscape and Ecological Management Plan. Unlike the proposal considered by the Environment Court, it was not proposed that they be sequential.
700. We have discussed the Auckland Framework Plan cases in more detail in our Report 1. For present purposes, it is sufficient to say that while the approach advanced by Ms Baker-Galloway and Mr Ferguson might solve the legal hurdles identified in the framework plan cases (we assume that might be the case for the moment), it presents a more fundamental problem that is discussed in Report 1. If the Landscape and Ecological Management Plan is only approved as a condition of consent, it is not possible to identify in advance that the end result will be sufficiently acceptable that consent should be granted – that is to say, whether sufficient control is retained by controlled activity status. Mr Bryce came to the same view in his reply evidence. His opinion was that the approach advanced by Mr Ferguson “*falls short of a true structure plan response and therefore I question whether it offers the same level of certainty provided by the structure plan approach*”²⁶². Mr Bryce also drew our attention to the jurisdictional issues created by the way in which the submitters’ original submissions had been framed, limiting the scope of parallel amendments proposed to Chapter 21 to visitor accommodation.
701. We have concluded that Mr Bryce is correct, and the proposal proffered by Mr Ferguson on behalf of the submitters does not provide us with sufficient comfort to recommend controlled activity status. We consider that the solution for the ski companies is to pursue the course adopted in a number of other developments and proffer a true structure plan for the Ski Area Sub-Zones that might be incorporated in the PDP through a variation to it, with subdivision thereafter considered as a controlled activity under Rule 27.7.1.
702. In the absence of a Structure Plan within the District Plan, we think that any subdivision and development in the Ski Area Sub-Zones not falling within Rule 27.5.5 should remain discretionary.
703. In our assessment of costs and benefits of the competing alternatives we have had regard to Mr Bryce’s view, as set out in his reply evidence²⁶³, that Rule 27.5.5 is a more effective way of addressing the concern advanced on behalf of the submitters than the relief they suggest.
704. Lastly Mr Bryce’s recommended rule had a typographical error in that it referred to the “*Rural General*” zone that needs to be corrected.

²⁶¹ *Re Application for Declarations by Auckland Council* [2016] NZEnvC 056 and [2016] NZEnvC 65

²⁶² N Bryce, Reply Statement at 2.11

²⁶³ N Bryce, Reply Statement at 2.14

705. In summary, we recommend inclusion of a new discretionary activity rule numbered 27.5.11 worded:

“All subdivision activities in the Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.”

706. Mr Bryce also recommended as separate discretionary activity rules, the subdivision of land containing heritage or other protected items, archaeological sites, heritage landscapes and significant natural areas. Previously these rules had been located, somewhat anomalously, within the section (27.5) that set out the standards for subdivision activities. Accordingly, we accept Mr Bryce’s suggestion. The only recommended changes to his suggested rules are consequential on the recommendations of the Hearing Panel in relation to how heritage and archaeological items are treated, and a cross-referencing correction – Mr Bryce suggested boundary adjustments under Rule 27.5.2 be exempted, but we consider that it should refer to Restricted Discretionary Rule 27.5.4. Otherwise Rules 27.5.4 and 27.5.12 would overlap.

707. Accordingly, we recommend inclusion of four discretionary activity rules numbered 27.5.12-15 respectively reading:

“The subdivision of land containing a heritage or other protected item scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.5.4.

The subdivision of land identified on the planning maps as a Heritage Overlay Area.

The subdivision of a site containing a known archaeological site.

Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.”

708. Notified Rule 27.4.2(e) provided as a non-complying activity, where a subdivision occurs under the Unit Titles Act and the building in question is not completed. This needs to be read together with notified Rule 27.4.2(f) which indicated (notwithstanding that it sits under a heading stating that the specified rules are non-complying activities) that where a unit title subdivision is lodged concurrently with an application for building consent or land use consent, it should be considered as a discretionary activity.

709. Submission 166 sought that both Rules 27.4.2(e) and (f) should be deleted. The submission argued that they operate as a barrier to staged developments and that other statutory provisions protect the Council in relation to the issue of unit titles.

710. Mr Bryce did not support that relief. While we agree in substance with Mr Bryce, we do think that greater clarity could be provided as to the inter-relationship between the two rules (and indeed Rule 27.5.5).

711. Logically, the second, less restrictive rule should be stated first. Mr Bryce suggested only minor wording amendments. Aside from amending Mr Bryce’s reference to a “land use resource consent” to refer to the correct statutory term (*‘land use consent’*), we agree with Mr Bryce’s recommendations. The revised **Discretionary Activity** rule (numbered 27.5.16) would therefore read:

“A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use consent.”

712. Turning to the second rule, we recommend that notified Rule 27.4.2(e) be renumbered 27.5.20 and revised to read:

“A subdivision under the Unit Titles Act not falling within Rules 27.5.5 or 27.5.16 where the building is not completed (meaning the applicable Code of Compliance Certificate has not been issued), or building consent or land use consent has not been granted for the buildings.”

713. The next rule we need to discuss relates to subdivision within the Jacks Point Zone. As notified, Rule 27.4.2(a) provided that subdivision within the Jacks Point Zone that did not comply with the Chapter 27 standards should be a discretionary activity. Mr Wells gave evidence on this point²⁶⁴ seeking recognition of the particular situation created within the Hanley Downs part of the Jacks Point Zone, where more intensive development (more intensive than is than the standard of 380m² provided for in notified Section 27.5.1) is planned. He sought restricted discretionary activity status for that area. In Mr Bryce’s reply evidence, he recommended acceptance of Mr Wells’ suggestion. We concur. Mr Bryce recommended a site specific restricted discretionary activity rule related to subdivision within another part of the Jacks Point Zone (a Farm Preserve activity area). However, that activity area has been deleted from the revised Jacks Point Structure Plan and the accompanying recommended Chapter 41 provisions, and so the rule is no longer required. We also suggest consequential changes to reflect our recommendations as to the heading and content of subsequent sections and to standardise the numbering with the other rules.

714. In summary, therefore, we recommend the **Discretionary** activity rule providing for non-compliance with the Jacks Point standards should be numbered 27.5.17 and read:

“Within the Jacks Point Zone, subdivision that does not comply with the minimum lot areas specified in Part 27.6 and the zone and location specific rules in Part 27.7, excluding:

- a. *In the R(HD) Activity Area, where the creation of lots less than 380m² shall be assessed under Rule 27.7.5.2 (as a restricted discretionary activity).”*

715. Mr Bryce recommended that the balance of what was notified Rule 27.4.2(a) be the subject of a separate non-complying activity rule and be amended to cross reference the Jacks Point rule just discussed. We agree both with that reformatting and recommend the rule be as suggested by Mr Bryce, subject only to correcting the cross-reference numbering and consequential changes reflecting recommended changes to section headings.

716. The recommended **Non-Complying** rule (numbered 27.5.19 to accommodate an additional discretionary activity rule we will discuss shortly) therefore reads:

“Subdivision that does not comply with the minimum lot areas specified in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.17.”

717. The final discretionary activity rule in this part of Chapter 27 is consequential on to a new zone recommended by the Stream 13 Hearing Panel for the Coneburn Industrial area. Amended to reflect the revised terminology we have recommended, it reads:

²⁶⁴ In relation to Submission 632: Supported in FS1097; Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

“Within the Coneburn Industrial Zone Activity Area 2a, subdivision which does not comply with the minimum lot areas specified in Part 27.6.”

718. The next rule we need to consider is notified Rule 27.4.2(b) which identified as a non-complying activity the further subdivision of an allotment previously used to calculate a minimum average density in the Rural Lifestyle Zone or Rural Residential Zone.
719. Submission 350 sought deletion of this particular rule. The submission provides reasonably detailed reasons for the relief sought. It is argued that the rule has been carried over from legacy plans and is not based on achieving the objectives of the PDP or on achieving good environmental outcomes. The rule is described as a technicality which should not apply because the parent lot has been subdivided before. The reference point should be whether the objectives of the Rural Lifestyle and Rural Residential Zones are met. It is also supported on efficiency grounds. These various points might have carried more weight had Mr Jeff Brown, who gave evidence for this submitter, addressed them in his evidence.
720. Having said that, we consider that there is a problem with the way the rule is worded. The concern the rule seeks to address (we infer) is one of *“environmental creep”* if subdividers are permitted to obtain consents on one basis and then make further application, leveraging off the initial consent to obtain a better outcome.
721. Accordingly, where a subdivision has been approved with the maximum number of lots meeting the average density requirements in the relevant zone, the applicant should be discouraged from *“having another bite of the cherry”*. The test in the rule, however (*“used to calculate the minimum average densities for subdivision”*) has wider application. In any subdivision in the Rural Lifestyle Zone, for instance, the average density will be calculated and compared to the average required (not less than 2 hectares). If the calculated average density is greater than 2 hectares, there may be room for a further subdivision in future with the average of the original subdivision remaining above 2 hectares. On the face of the matter, such a further subdivision would be a non-complying activity in terms of notified Rule 27.4.2(b). We do not consider that should be the case.
722. Another submission on this rule²⁶⁵ sought deletion of reference to the Rural Residential Zone. The submission argues that minimum average densities are not relevant to the Rural Residential Zone.
723. The submission is not quite correct. While minimum average densities are not provided for in the Rural Residential Zone generally, either under the ODP or under the PDP, they are provided for in the Bob’s Cove Sub-Zone. On this rather slender basis (and because specification of this as a non-complying activity in the balance of the Rural Residential Zone will impose no costs on subdividers if they have not had to meet an average density requirement), we recommend retention of reference in the rule (now numbered 27.5.21) to the Rural Residential Zone.
724. Reverting to the substantive issue we have identified with the reformatted rule Mr Bryce recommended, we consider it would be addressed if the Rule were worded as follows:
“The further subdivision of one or more allotments that if undertaken as part of a previous subdivision would have caused that previous subdivision to exceed the minimum average density requirements for subdivision in the Rural Lifestyle Zone or the Rural Residential Zone.”

²⁶⁵ Submission 166

725. Notified Rule 27.4.2(c) provided that the subdivision of the building platform was a non-complying activity. Mr Bryce recommended a slight change of wording to meet the concern expressed in Submission 166 that the notified rule wording lacked clarity. We agree with Mr Bryce's suggestion and recommend retention of notified **Non-Complying** Rule 27.4.2(c), renumbered 27.5.22 and amended to read:

"The subdivision of land resulting in the division of a building platform."

726. Notified Rule 27.4.2(d) provided that the subdivision of a residential flat from the residential unit it is ancillary to was a non-complying activity except where this is permitted in the Low Density Residential Zone. Submission 453 suggested that this rule was unclear and needed clarification.

727. Mr Bryce discussed the point in his Section 42A Report and suggested that it could be made clearer. We agree with his reasoning and accordingly we recommend that notified **Non-Complying** Rule 27.4.2(d) be renumbered 27.5.23 and amended to read:

"The subdivision of a residential flat from a residential unit."

728. Mr Bryce recommended inclusion of a new non-complying activity rule consequential on his reorganisation of the chapter. The specific issue is that standards related to servicing and infrastructure were formerly located in Section 27.5.4, but have been shifted to Part 27.7. Non-compliance with the standards in Section 27.5 was a non-complying activity under notified Rule 27.4.2. The effect of Mr Bryce's recommended new rule is to retain that position unchanged. We agree with that recommendation, subject only to amending the terminology to reflect our recommendations as to the heading of Section 27.7. Accordingly, we likewise recommend a new **Non-Complying** rule numbered 27.5.25 reading:

"Subdivision that does not comply with the requirements related to servicing and infrastructure in Rule 27.7.13."

729. Finally, under this general heading, and out of abundant caution, we recommend a new rule to catch any subdivision not otherwise addressed by any of the rules we have recommended. While we have not identified any subdivision activity that is not in fact covered by the rules, either in Section 27.5 or 27.7. we think it is prudent to have a default rule. Discretionary status for such a rule will maintain the status quo under notified Rule 27.4.1 and, to that extent, we recommend that that rule be retained. As with Rule 27.4.1, a catchall rule should come first in the group of rules.

730. Accordingly, we recommend that **Discretionary** Rule 27.4.1 be renumbered 27.5.6 and revised to read:

"Any subdivision that does not fall within any rule in Part 27.5 or Part 27.7."

731. Considering the rules we have recommended in our revised section 27.5, we believe that collectively they are the most appropriate way to achieve the Chapter 27 objectives and to implement the policies under those objectives.

8. SECTION 27.5 - RULES –STANDARDS FOR SUBDIVISION ACTIVITIES

8.1 Rule 27.5.1 – Minimum Lot Sizes

732. A large number of submissions were made on notified Section 27.5.1 (renumbered 27.6.1), which set out the minimum lot area in specified zones. Most of these submissions were transferred for consideration in the relevant zone hearings given the obvious linkages between minimum densities and the outcomes sought to be achieved in each zone. This was not possible in relation to the parts of Rule 27.5.1 (as notified) specifying minimum densities in the Rural, Rural Lifestyle, Rural Residential and Gibbston Character Zone because, by the time that decision was made, the hearings of submissions on those zone provisions had already occurred. Submissions related to densities in the Rural Lifestyle Zone were, however, deferred as a result of the Council's decision to undertake a structure planning process in the Wakatipu Basin²⁶⁶.
733. The Chair's direction provoked a degree of confusion on the part of submitters. Mr Ben Farrell gave evidence, and Mr Goldsmith made submissions for a group of submitter parties on the minimum average lot size in the Rural Lifestyle Zone in case that particular aspect had not been deferred along with the minimum lot size.
734. The minimum average density applied in the Rural Lifestyle Zone is inextricably connected to the minimum lot size. As we observed to Mr Goldsmith, it is necessary to know what the minimum lot size is before considering the minimum average, because the minimum average must necessarily be greater than the minimum if it is to serve any purpose. Accordingly, we think there is no value of entering into a discussion of the minimum average lot size separate from the minimum lot size and have proceeded on the basis that both should be deferred until the results of the Wakatipu Basin Structure Plan process are able to be considered.
735. The Stage 2 Variations now proposes rezoning of the Wakatipu Basin, with the result that there is no Rural Lifestyle Zoned land in that area. Accordingly, any consideration of minimum densities (and minimum average densities) within Rural Lifestyle Zoned land in the Wakatipu Basin will only need to be considered as a consequence of the decisions on the Stage 2 Variations altering that position.
736. As above²⁶⁷, no submitter sought to be heard in relation to Rural Lifestyle Zone Minimum lot density requirements outside the Wakatipu Basin, and we thus have no evidence to contradict the Council position that the notified minimum densities are appropriate in the balance of the District.
737. Notified Rule 27.5.1 stated minimum lot areas for a number of zones that we had understood (based on advice from counsel for the Council) would be the subject of a subsequent stage of the District Plan review process – specifically the Township, Industrial A and B, Riverside and Hydro Generation Zone.
738. In his Section 42A Report, Mr Bryce recommended that those references be deleted. When we discussed the point with him, however, he could not identify for us any submission seeking that relief and in the legal submissions in reply for the Council, it was submitted that there was no jurisdiction to do so. The fact that some provisions of the PDP purport to apply to land not

²⁶⁶ Refer the Chair's procedural direction of 4 July 2016 discussed earlier

²⁶⁷ Refer Section 1.4 above

forming part of Stage 1 of the PDP review is problematic, to say the least. The key issues were canvassed in the Chair's Minute to the Council dated 12 June 2017²⁶⁸ albeit in the context of notations on the planning maps.

739. The point of particular concern to us is whether members of the public would have thought to go past advice that Stage 2 zones were not part of the PDP process, looking for standards for those zones buried in Chapter 27. The fact that it appears the sole submission on the minimum lot standards in section 27.5.1 for the Stage 2 zones is by the Council itself tends to reinforce that concern. It is also somewhat ironic that the staff recommendation is that the Council's own submission be rejected as being out of scope as not being within Stage 1 of the PDP.
740. In a subsequent hearing, relating to Chapters 30, 35 and 36 (Stream 5), the Council submitted that it would be appropriate to transfer provisions purporting to set noise limits for zones not within Stage 1 of the PDP to Stage 2. The Stream 5 Hearing Panel noted a number of reasons why it did not agree with that course of action. It concluded that reference to non-Stage 1 zones in the relevant rule was in error and that those references could and should be deleted under Clause 16(2)²⁶⁹. We have come to the same conclusion. In summary, if the zones are not part of Stage 1, they remain part of the ODP, and nothing in the PDP can change the provisions of the ODP. Their removal is not a substantive change to the PDP.
741. As a result, a relatively small number of submissions on notified Rule 27.5.1 require consideration at this point.
742. Following the order in which submissions are discussed in the Section 42A Report, the first zone Mr Bryce discussed was the Rural Residential Zone. He noted a submission²⁷⁰ seeking reinstatement of the ODP provisions governing any Rural Residential land at the north of Lake Hayes, which would require an 8000m² lot average. Mr Bryce recommended acceptance of that submission, but the land in question is proposed to be rezoned as part of the Stage 2 Variations. The submission will need to be reconsidered in that process.
743. The second zone discussed by Mr Bryce was the Rural Zone (mislabelled Rural General in the Section 42A Report). Mr Bryce noted two submissions²⁷¹ seeking a minimum lot size be specified for subdivisions within the Rural Zone and the Gibbston Character Zone and a minimum allotment size of 5 acres (2 hectares) in the Rural Zone respectively.
744. Mr Bryce recommended rejection of both submissions, referring to the reasoning of the section 32 evaluation to the effect that the absence of a minimum lot size prevents any '*development right*' arising in these zones and emphasising the desirability of maintaining the existing approach, based on landscape considerations.
745. We note that Mr MacColl did not seek to support NZTA's submission on this point and submitter 38 did not appear at the hearing to provide us with evidence that would cause us to reconsider the approach in the Section 32 Report supported by Mr Bryce.
746. Accordingly, we agree with Mr Bryce's recommendation that these submissions should be rejected.

²⁶⁸ Minute Concerning Annotations on Maps 12 June 2017

²⁶⁹ Report 8 at Section 18.1

²⁷⁰ Submission 26

²⁷¹ Submissions 719 and 38: Supported in FS1109; Opposed in FS1097 and FS1155

747. The next zone Mr Bryce discussed was the Jacks Point Zone. He noted Submission 762²⁷² seeking that the final specified ‘*minimum lot area*’ should be referenced to “*all other activity areas*”.
748. Mr Bryce recommended this amendment be made in aid of efficient and effective plan administration.
749. The Stream 9 Hearing Panel has, however, identified broader issues with these provisions. Specifically, neither FP area will exist following revision of the Jacks Point Structure Plan, and the cross reference to Rule 41.5.8 should apply to subdivision in Residential Activity Areas, rather than ‘other’ areas. Our recommended table shows these amendments.
750. Mr Bryce also noted²⁷³ two submissions²⁷⁴ seeking amendment to the activity table in notified Rule 27.5.1 so that LDRZ land within the Queenstown Airport Outer Control Noise Boundary should have a minimum lot area of 600m². Mr Bryce recommended that these submissions be accepted in order to maintain the status quo established by ODP Plan Change 35 and thereby protect the operation of an item of regionally significant infrastructure. We note specifically the emphasis given by the Proposed RPS in that regard.
751. We agree with Mr Bryce’s recommendation with the result that in that part of the table related to the renamed Lower Density Suburban Residential Zone, additional text is inserted as follows:
- “Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary: 600m².”*
752. We note that the Hearing Panel hearing submissions on the residential zones (Stream 6) has recommended²⁷⁵ that the Large Lot Residential Zone be separated into two zones (Large Lot Residential Zone A and B respectively) and that the minimum densities in these zones be 2000m² and 4000m² respectively. We recommend consequential amendment of Rule 27.6.1 accordingly. Insertion of the Coneburn Industrial Zone and special provisions for the Rural Residential Zone at Camp Hill, as recommended by the Stream 13 Hearing Panel, has likewise created a need for consequential amendments to insert minimum lot sizes for those areas. The Stream 13 Panel has also recommended deletion of the Queenstown Heights Sub-Zone, and so minimum lot sizes are no longer required for that area.
753. Finally, a consequence of the Stream 8 Hearing Panel rezoning Wanaka Airport from Rural to Airport Zone and the recommendation of that Panel that the subdivision provisions applying to the Airport Zone at Wanaka mirror those applying to the Rural Zone²⁷⁶, is that the reference to “Airport Mixed Use” needs to be changed to “Airport Zone”. We have not had any recommendations for other changes to the minimum lot areas in other zones from Hearing Panels considering those matters.

²⁷² Opposed in FS1217, FS1219, FS1252, FS1277, FS1283 and FS1316

²⁷³ Section 42A Report at 16.1

²⁷⁴ Submissions 271 and 433: Opposed in FS1097 and FS1117

²⁷⁵ Refer Report 9A at Section 16.1

²⁷⁶ Refer Report 11 at Section 61.1

754. Lastly, we record that the Stage 2 Variations have proposed deletion of some line items in renumbered section 27.6 (and addition of others). Our recommended Chapter 27 greys out the existing provisions proposed to be changed.
755. More generally, the format of (now) Rule 27.6.1 was the subject of criticism²⁷⁷. It was suggested that it be redrafted to be clearer. We agree with Mr Bryce’s view that the table of minimum lot sizes is clear (or in reality, as clear as it is possible to be, given the need for district-wide provisions in this area). However, we recommend both a minor change to the description of average net site area in the opening words of the rule, and an Advice note referring the reader to the rules governing non-compliance with the minimum site areas to assist readability.
756. Notified Section 27.5.1 had 7 sub-rules followed by two further rules governing subdivision associated with infill development and subdivision associated with residential development on small sites in the (now) Lower Density Suburban Residential Zone. As part of the reorganisation of the chapter recommended by Mr Bryce, these provisions have been shifted either into our renumbered Section 27.5 or into the zone and location specific rules in renumbered Section 27.7. We agree that with one exception, they are more appropriately grouped with these other provisions and we will consider them in that context. The exception is notified Rule 27.5.1.3 which related to minimum size requirements (for access lots, utilities, roads and reserves) and which more properly should remain with renumbered 27.6.1.
757. This provision was the subject of a submission²⁷⁸ that sought that it also state that lots created for the specified purposes shall not be required to identify a building platform. Mr Bryce recommended rejection of this submission on the basis that the requirement for a building platform (refer renumbered Rule 27.7.8) stated that it relates to allotments created for the purposes of containing residential activity. As Mr Bryce observed, the suggested addition is therefore unnecessary and we likewise recommend rejection of the submission.
758. The end result is, however, that a renumbered Section 27.6 is limited to minimum lot area standards and we recommend that the heading of the section be amended to reflect that, and therefore to read:

“Rules – Standards for Minimum Lot Areas.”

759. We record that having considered the alternatives open to us on the few matters the subject of submission in renumbered 27.6.1, we believe that the recommended provisions represent the most appropriate way to achieve the Chapter 27 objectives, and the most appropriate way to implement the policies relevant to those objectives.

8.2 Zone and Location Specific Rules

760. In his Section 42A Report, Mr Bryce noted three submissions²⁷⁹ that sought that subdivision undertaken in accordance with a Structure Plan or Spatial Layout Plan identified in the PDP be a controlled activity. Notified Rule 27.4.3 provided that it is was restricted discretionary activity. Mr Bryce supported controlled activity status on the basis that a Structure Plan/Spatial Layout Plan provides a level of certainty to both proponents and decision-makers

²⁷⁷ Submission 631

²⁷⁸ Submission 635

²⁷⁹ Submissions 456, 632 and 696: Supported in FS1097; Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

as to what is expected in terms of subdivision design, and the fact that the Structure Plan/Spatial Layout Plan has been identified through a Plan Change process means that opportunities, constraints and effects of the future subdivision and land use activities have already been identified.

761. We agree that where a Structure Plan or similar document has been incorporated in the PDP there are good grounds for taking a less restricted regulatory approach to subdivision that is consistent with the Structure Plan.
762. Mr Bryce suggested a number of matters of control to accompany a new controlled activity rule in his Section 42A Report, that were further refined in his reply evidence. We have no issue in principle with the matters of control other than that the language should largely, parallel that discussed in Section 2.1, but we consider that the initial description of the activity recommended by Mr Bryce needs amendment in three respects. First, Mr Bryce suggested that the cross reference to a Structure Plan should test whether subdivision is undertaken “*in accordance with*” the document. We consider that requiring consistency with the document would be a better test given that Mr Bryce proposes that in each of the following rules dealing with areas that are currently the subject of a Structure Plan or like document, consistency with the document is a suggested matter of control.
763. Secondly, the suggested rule refers to Structure Plans, Spatial Layout Plans and Concept Development Plans, reflecting the range of different documents that are already identified and included in the District Plan. We think it would be more efficient if the term “*Structure Plan*” were defined to include documents that fulfil a similar function. Ideally, a new definition would also outline the minimum requirements for a ‘Structure Plan’ to be included in the PDP, but as discussed earlier, the policy gap in this regard will need to be filled by a variation.
764. Thirdly, we consider that it is not sufficient that a Structure Plan is “*identified*” in the PDP. We believe it should be “*included*” within the PDP so the key aspects of subdivision design are apparent to the readers of the Plan, and there can be no doubt as to whether the requirements for controlled activity status are met. As discussed shortly, there is also a technical problem with the approach in the notified PDP because Structure Plans do not meet the tests for incorporation by reference in Clause 30 of the First Schedule.
765. In summary, therefore, we recommend inclusion of a new controlled activity rule numbered 27.7.1, to replace notified Rule 27.4.3 that reads as follows:

“Subdivision consistent with a Structure Plan that is included in the District Plan.

Control is restricted to:

- a. subdivision design, and any consequential effects on the layout of lots and on lot sizes and dimensions*
- b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions;*
- c. property access and roading;*
- d. esplanade provision;*
- e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision;*
- f. fire fighting water supply;*
- g. water supply;*
- h. stormwater design and disposal;*
- i. sewage treatment and disposal;*

- j. *energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;*
- k. *open space and recreation;*
- l. *ecological and natural values;*
- m. *historic heritage;*
- n. *easements;*
- o. *any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter.*

766. Associated with this Rule we recommend to the Stream 10 Hearing Panel that a new definition be inserted in Section 2 of the PDP worded as follows:

“Structure Plan means a plan included in the District Plan, and includes Spatial Development Plans, Concept Development Plans and other similarly titled documents.”

767. Notified Section 27.7.3 is headed *“Kirimoko Structure Plan – Matters of Discretion for Restricted Discretionary Activities”*.

768. Submission 656 sought enlargement of the discretion provided over earthworks and greater specification of aspects of subdivision design the subject of discretion.

769. Initially, Mr Bryce recommended acceptance of the submission²⁸⁰.

770. By his reply evidence, Mr Bryce had come to the view that the specific matters of control needing to be considered in relation to the Kirimoko could be substantially reduced. Mr Bryce did not discuss in his reply evidence his reasons for coming to this conclusion, but we infer that some of the matters were considered redundant in the light of other recommended PDP provisions (particularly the matters of assessment Mr Bryce recommended be introduced as part of his reply evidence).

771. We agree with that and we think that Mr Bryce’s recommended rule might be further pruned to remove duplication. In particular, given our recommendation that consistency with a structure plan should be a precondition to Rule 27.7.1, it is not necessary to refer to such consistency as an additional matter of control in this rule. Similarly, given that subdivision design is a matter of control under Rule 27.7.1, further reference to it is not required in this rule.

772. We also consider that some amendment of the language is required to reflect the fact that the rule is specifying matters of control rather than (as was the case for notified Section 27.7.3) matters of discretion, to which particular regard had to be had.

773. In summary, therefore, we recommend that section 27.7.3 be renumbered 27.7.2 and revised to read:

“In addition to those matters of control under Rule 27.7.1, any subdivision of the land shown on the Kirimoko Structure Plan included in Part 27.13, the following shall be additional matters of control:

- a. *roading layout;*
- b. *the provision and location of walkways in the green network;*
- c. *the protection of native species as identified on the Structure Plan as green network.”*

²⁸⁰ Section 42A Report at 22.12

774. Because this section of the PDP contains other provisions related to Kirimoko, we think it would be clearer if all of those provisions were collected under a single heading. We have therefore numbered the rule above 27.7.2.1 under the heading “27.7.2 – Kirimoko”. We will discuss the balance of provisions under that heading shortly.
775. Rule 27.7.3.1 in Mr Bryce’s revision of Chapter 27 (relocated from notified Policy 27.7.6.1) related to the Ferry Hill area. The Stage 2 Variations propose deletion of these provisions and so we need say no more about them
776. Mr Bryce recommended that the next provision in his reformatted section 27.7 relate to the Jacks Point Zone. By his reply evidence, Mr Bryce had recommended that the sole additional matter of control that needed to be referenced, consequential on other provisions he had recommended, was consistency with the Jacks Point Zone Structure Plan. For the reasons discussed above in relation to the Kirimoko area, it is not necessary to provide another rule solely for that purpose we do not therefore recommend inclusion of the rule suggested by Mr Bryce.
777. The next two rules Mr Bryce suggested in this part of the revised Chapter 27 related to the Peninsula Bay area and were derived from notified Section 27.8.2.1. As notified, that provision read:
- “No subdivision or development shall take place within the Low Density Residential Zone at Peninsula Bay unless it is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.”*
778. The sole primary submission on Section 27.8.2.1 supported its continued inclusion²⁸¹. While two further submissions²⁸² opposed that submission, given the permissible ambit of further submissions discussed in the Hearing Panel’s Report 3, these further submissions do not take the matter further.
779. This rule needs to be read together with heading of Section 27.8 and Section 27.8.1 that preceded it.
780. The heading of Section 27.8 as notified was:
- “Rules – Location Specific Standards.”*
781. Section 27.8.1 contained a general provision stating that activities not meeting the standards specified in Section 27.8 should be non-complying activities, unless otherwise specified.
782. Mr Bryce recommended that consequential on his recommended revision of the format of Chapter 27, Section 27.8.2.1 should be converted to two rules, one a controlled activity rule (for subdivision or development consistent with the Outline Development Master Plan) and the second, a non-complying rule (for development which is inconsistent with the Outline Development Master Plan).
783. Unlike the rules that we have been discussing however, the Outline Development Master Plan for Peninsula Bay is not contained in the PDP.

²⁸¹ Submission 378

²⁸² FS1049 and FS1095

784. Nor is it even clear whether this is an existing document or one that might be “*approved*” by the Council in future. The way that notified Section 27.8.2.1 is framed, however, suggests that even if an Outline Development Master Plan has already been approved, there might yet be a successor. Be that as it may, the reference in the notified PDP to this Outline Development Master Plan, and the suggestion that the activity status of future subdivision and development should be dependent on whether there is such a plan (and whether the subdivision or development in question is consistent with it), raises questions as to whether this is permissible in the light of the Environment Court decisions on declarations sought in relation to the use of framework plans in the context of the Proposed Auckland Unitary Plan²⁸³ discussed in our Report 1.
785. Given the conclusions reached by the Hearing Panel in Report 1, this then requires us to determine what we can and should do with Section 27.8.2.1 of the notified PDP given that the only submission on it specifically seeks its retention.
786. Section 27.8.2.1 is framed in directive terms rather than as a standard in the ordinary sense of that term. From that point of view, it does not sit easily within the notified section 27.8.
787. Nor is it altogether clear to us what the rule status is intended to be for subdivision or development that is consistent with an approved Outline Development Master Plan. Mr Bryce has treated the Peninsula Bay “*Outline Development Master Plan*” as a Structure Plan, which might suggest that under the notified PDP, it fell within Rule 27.4.3. If that were the case, it would be a restricted discretionary activity with discretion restricted to matters specified in Part 27.7. Rule 27.4.3 referred, however, to a structure plan or spatial layout plan, which does not suggest an intention that the rule apply to all plans that might be considered to fall within a generic reference to structure plans. In addition, the only matters specified in Part 27.7 related to Peninsula Bay refer to provision of public access and are not framed as matters of discretion, so it would not seem to have been intended that Rule 27.4.3 would apply to the Peninsula Bay area on that ground also.
788. The end result therefore, is that we consider that under the notified PDP, subdivisions would fall within the default discretionary activity rule if consistent with an approved Outline Development Master Plan, and if not, then as non-complying activities.
789. Given our conclusion that subdivisions in most zones might appropriately be dealt with as restricted discretionary activities, we consider that the best outcome in the light of the Environment Court’s guidance in the Auckland framework plan cases is that Section 27.8.2.1 be deleted as a consequential amendment to our acceptance (in part) of submissions seeking that all subdivision activities be controlled activities, and Mr Bryce’s recommendation of two rules to be inserted in substitution in revised section 27.7 not be accepted. That will leave subdivision in the Peninsula Bay area as a restricted discretionary activity under our recommended Rule 27.5.7. If, in the future, the Council and/or the Peninsula Bay JV wish that further subdivision be considered as a controlled activity, then the Outline Development Master Plan applying to that area will need to be incorporated in the PDP by way of variation or plan change. Because, however, the end result is beneficial to the submitter, compared to the relief sought, we have classified the submission as ‘Accepted in Part’.
790. The next provision recommended by Mr Bryce related to the Kirimoko area. The provisions Mr Bryce recommended are derived from notified Section 27.8.3.

²⁸³ *Re Application for declarations by Auckland Council* [2016] NZ EnvC 056 and [2016] NZ EnvC 65

791. Those provisions were the subject of a specific submission²⁸⁴ that sought inclusion of an additional standard related to post development stormwater runoff (that would require that during a 1 in 100year event stormwater runoff is no greater than the pre-development situation).
792. Mr Bryce recommended rejection of that submission on the basis of the Council’s engineering evidence (initially Mr Glasner, but adopted by Mr Wallace) that the Council’s Code of Practice requires that post development stormwater runoff be no greater than pre-development runoff up to and including in a 1 in 20-year event. Mr Wallace’s evidence was that designing stormwater runoff management systems for a 1 in 100 year event would create a significant level of over-design which would in turn add significantly to the Council’s maintenance costs.
793. The submitter in question did not appear to support its submission with evidence that would contradict that provided by Council. On this basis, we agree with Mr Bryce’s recommendation.
794. Mr Bryce therefore suggested only grammatical changes to frame the notified provisions more clearly as standards or conditions, failure to comply with which would properly cause the activity to default to non-complying status.
795. We agree with the suggested changes. The only additional change we recommend is to correct a typographical error (referring to the Rural General Zone), to amend the cross reference to the Structure Plan to be consistent with the language of 27.7.2.1 and (as discussed above) to relocate the rule to follow Rule 27.7.2.1. Accordingly, we recommend inclusion of new **Non-Complying** Rules 27.7.2.2-4 text, reading:
“Any subdivision that does not comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan included in Part 27.13 including the creation of additional roads, and/or the creation of accessways for more than 2 properties.

Any subdivision of land zoned Rural proposed to create a block entirely within the Rural Zone to be held in a separate Certificate of Title;

Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP304817 (and any title derived therefrom) that creates more than one lot that has been included in its legal boundary land zoned Rural.”
796. The next rule recommended by Mr Bryce related to the Bob’s Cove Rural Residential Sub-Zone and was derived from notified Sections 27.8.5.1 and 27.8.5.2. Those provisions were not the subject of specific submission by any party and Mr Bryce recommended that they be reproduced unchanged save for the formatting necessary to express them more clearly as standards/conditions. We agree, and our recommended revised Chapter 27 includes Mr Bryce’s provisions in a new Rule 27.7.3.
797. The next rule recommended by Mr Bryce related to the Ferry Hill Rural Residential Sub-Zone and was derived from notified Sections 27.8.6.1-8 inclusive. These provisions are proposed to be deleted in the Stage 2 Variations and so we need not consider them further.
798. The next rule recommended by Mr Bryce related to Ladies Mile and derived from notified Section 27.8.7.1. There were no specific submissions seeking change to these provisions and

²⁸⁴ Submission 656

Mr Bryce recommended that they be amended only to express them more clearly as standards or conditions, failure to comply with which might prompt a shift to non-complying status.

799. We agree, and our revised Chapter 27 shows these provisions as recommended Rule 27.7.4.
800. The next rule recommended by Mr Bryce related to Jacks Point and derived from notified Sections 27.8.9.1 and 27.8.9.2.
801. These provisions were the subject of two submissions. The first²⁸⁵ sought minor changes to 27.8.9.2 by way of clarification rather than substantive change. Mr Bryce recommended acceptance in part with the suggestions made by the submitter, that were in practice subsumed within the reformatting that Mr Bryce recommended.
802. The second submission²⁸⁶ sought that Rule 27.8.9.2 make provision, where discretion was restricted to traffic and access, to also include the ability to provide and support public transport services, infrastructure, and connections. Mr Bryce recommended rejection of this submission on the basis that as the rule in question relates to the Jacks Point Zone conservation lots, within the identified Farm Preservation Activity Area, the matters sought to be referenced by the submitter were not applicable.
803. Mr Bryce recommended retention of the existing provisions with consequential amendments reflecting the reformatting exercise he had undertaken in response to more general submissions discussed earlier.
804. Mr Bryce also recommended specific recognition of the Hanley Downs part of Jacks Point, accepting in this regard, Mr Wells evidence discussed earlier in the context of recommended Rule 27.5.17.
805. We largely agree with Mr Bryce's recommendations. Notified rule 27.8.9.2 is, however, no longer required following deletion of the FP1 Activity Area from the Jacks Point Structure Plan. It should be deleted as a consequential change. In addition, as well as consequential renumbering and reformatting, we recommend expanding the matters of discretion so that they are consistent with our recommendations in relation to Rule 27.7.1, and address the matters made relevant by recommended Policies 27.3.7.4 and 27.3.7.7. We also suggest amending the text to refer to the Jacks Point Structure Plan as being contained in Part 27.13 and insert a new Rule 27.7.5.3, reflecting a recommendation we have received from the Stream 13 Hearing Panel²⁸⁷.
806. Mr Bryce next recommended a rule to govern subdivision within the Millbrook Resort Zone that is inconsistent with the Millbrook Resort Zone Structure Plan, reflecting his observation that there does not appear to be any rule governing non-compliance with that Structure Plan. Mr Bryce recommended that subdivision in this case be a discretionary activity. Given that operation of notified Rule 27.4.1 would have had that effect in any event, this is not a substantive change. We agree with Mr Bryce that it is helpful, however, to be specific in this case. Accordingly, we recommend inclusion of a new Rule 27.7.6 along the lines suggested by Mr Bryce. The only amendments we would suggest would be that the rule cross reference the Millbrook Resort Zone Structure Plan as located in Chapter 27 and correction of a minor typographical error.

²⁸⁵ Submission 762: Opposed in FS1217, FS1219, FS1252, FS1277, FS1283 and FS1316

²⁸⁶ Submission 798

²⁸⁷ Refer Report 17-8Part I

807. We should note that we recommend inclusion of three additional site/zone specific rules under this heading, the first two related to the Coneburn Industrial Zone and the Frankton North area and numbered 27.7.7 and 27.7.9 respectively, consequential on the recommendations of the Stream 13 Hearing Panel, and the last related to the West Meadows Drive area and numbered 27.7.8, reflecting recommendations from the Stream 12 Hearing Panel.
808. Lastly, and more generally, we note that many of the site-specific standards in this part of Chapter 27 do not fit easily into the structure we recommend on Mr Bryce's advice. We suspect they may be legacy provisions rolled over from the ODP. Renumbered Rule 27.7.4.1 a. for instance, was notified as a standard governing subdivision on Ladies Mile. It does not read as a standard and it would be difficult to apply as such. There were no submissions on it, and hence Mr Bryce (understandably) did not focus on it. Even if there had been a submission giving us some scope to amend (or delete) it, we were unsure what role it was intended to have. We recommend that the Council review the provisions in this section to identify any that are past their 'use-by' date, or that need reframing to meet their intended purpose.

8.3 Building Platform and Lot Dimensions

809. Mr Bryce next recommended inclusion of rules relocated from notified Rule 27.5.1.1 (related to building platforms) and 27.5.1.2 (related to site dimensions).
810. Addressing first notified Rule 27.5.1.1, this was the subject of one submission²⁸⁸ seeking that the maximum dimensions of a building platform in the Rural Lifestyle Zone be specified to be 600m² (rather than 1000m²) as at present. Mr Bryce recommended rejection of that submission on the basis that flexibility as to building platform size is often required.
811. In our discussion of the restricted discretionary activity rule we have proposed for subdivision within the Rural Lifestyle Zone (27.5.8), we have recommended retention of a discretion over the size of building platforms. We regard that as a more appropriate solution than arbitrarily reducing the maximum building platform size in the Rural Lifestyle Zone, particularly given that the submitter did not appear to provide us with evidence that would have given us confidence that a reduced maximum building platform size would be appropriate in every instance.
812. Accordingly, we agree with Mr Bryce's recommendation that notified Rule 27.5.1.1 might be retained unamended, save only for relocating it in Section 27.7, and numbering it 27.7.10.
813. Turning to notified Rule 27.5.1.2, the only submissions on this provision²⁸⁹ supported retention of particular aspects of the rule.
814. Mr Bryce recommended, however, deletion of specific reference to the Township Zone on the basis that it was not part of Stage 1 of the PDP. For the reasons discussed earlier, in relation to revised section 27.6, we agree that this is the appropriate outcome. The only other amendment to notified provision 27.5.1.2 recommended is to insert the word "*lots*" rather than "*sites*" for clarity and to renumber it 27.7.11.
815. Before going on the next rule Mr Bryce recommended, we need to address the position if either of renumbered rules 27.7.8 and 27.7.9 are not complied with. Under the notified plan, this fell within Rule 27.4.2 as a non-complying activity.

²⁸⁸ Submission 367: Opposed in FS1150 and FS1325

²⁸⁹ Submission 208, 596, 775, 803

816. We have not identified any submission seeking to change that position. We therefore recommend a new Rule 27.7.12 be inserted as follows:

“Subdivision applications not complying with either Rule 27.7.10 or Rule 27.7.11 shall be non-complying activities.”

8.4 Infill subdivision

817. The next rule Mr Bryce discussed related to subdivision associated with infill development which he recommended be relocated from notified Rule 27.5.2.
818. This rule was the subject of a number of submissions. Several submissions²⁹⁰ sought that the definition of an established residential unit should turn on whether construction has reached the point of roof installation rather than whether a Building Code of Compliance certificate has been issued.
819. In addition, Submission 275 sought to amend 27.5.2 so that in the High Density Residential Zone the minimum lot size need not apply to any lots being created which contain a residential unit, provided that any vacant lots also being created do meet the minimum lot size. Lastly, Submissions 208 and 433²⁹¹ sought deletion of the rule.
820. In his Section 42A Report, Mr Bryce acknowledged that the submitters opposing recognition of a Building Code of Compliance Certificate as the sole determinant of whether a residential unit has been established had a point, given that the concept of Building Code of Compliance Certificates dates only from 1992, and therefore a large number of “*established*” residential units will not have such a certificate. He recommended that the rule be made more explicit that completion of construction to not less than the installation of the roof be an alternative to issue of a Building Code of Compliance Certificate as a means to define an established residential unit for the purposes of this rule. We agree with his recommendation in that regard.
821. Mr Bryce did not explicitly discuss Submission 275 in his Section 42A Report and the submitter did not appear to elaborate on the submission.
822. Reading the submission in context, it appears to us that the submission on this point is associated with a broader request for relief related to (and reducing) the minimum lot areas for the High Density Residential Zone²⁹². We think that that is the appropriate context for consideration of the merits of the submission rather than broadening the ambit of this particular rule, which essentially sought to recognise the reality of existing lawful residential developments and provide that title boundaries might be brought into line with those developments.
823. The breadth of Submission 169 is also difficult to address in this context – particularly in the absence of any evidence from the submitter that might satisfy us that the effects of infill development can be addressed by conditions in all locations (and identifying appropriate areas of control).

²⁹⁰ Submissions 166, 169, 389 and 391

²⁹¹ Opposed in FS1097 and FS1117

²⁹² Submission 169 also appears to be linked to more wide-ranging relief, seeking controlled activity status for a single infill unit subdivision in any zone.

824. Deletion of the rule sought in Submission 433 was also part of broader relief; in this case, which sought to carry over the provisions of ODP Plan Change 35 into the PDP and thereby protect the ongoing operations of Queenstown Airport. As we will discuss shortly, Mr Bryce recommended an amendment to the following rule to address the submission. When the representatives of the QAC appeared before us, Ms O’Sullivan giving planning evidence for the submitter, supported that relief and did not provide evidence suggesting why it should be broadened to this particular rule. This accorded with our understanding of QAC’s position which sought to avoid intensification of residential activities within the defined Airport noise boundaries. Given that this particular rule relies on dwellings already having been established, aligning the title position with the existing pattern of development would appear to have no effect on the airport’s operations.
825. The reasons for Submission 208 indicated that the concern of that submitter was for maintenance of amenity in the High Density Residential Zone. Mr Bryce did not discuss the submission specifically and the submitter did not provide evidence to support its submission. In the absence of an evidential basis for the submission, we do not recommend deletion of this provision.
826. In summary, therefore, we accept Mr Bryce’s recommended rule which is numbered 27.7.13 in our revised Chapter 27, save only for correction of internal cross reference numbering and amending the reference to the former Low Density Residential Zone.
827. The revised rule we recommended is therefore worded:
- “The specified minimum allotment size in Rule 27.6.1, and minimum dimensions in Rule 27.7.9 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Lower Density Suburban Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).”*
828. The next rule Mr Bryce discussed was derived from notified Rule 27.5.3.1 and related to circumstances where the minimum allotment size in the (now) Lower Density Suburban Residential Zone does not apply.
829. Submissions on it sought variously clarification of the interrelationship with Rule 27.5.2²⁹³ (now 27.7.11), deletion and a more enabling approach generally²⁹⁴, deletion²⁹⁵, and revision to make the rule *“more practical”*²⁹⁶.
830. Mr Bryce did not discuss the apparent overlap between Rules 27.5.2 and 27.5.3 (to the extent both applied to the Lower Density Suburban Residential Zone). We think there is a logic to the distinction between the rules given that Rule 27.5.2 applied in the three specified zones and addressed the situation where residential units actually exist, whereas Rule 27.5.3 was limited to the (now) Lower Density Suburban Residential Zone and addressed the situation where residential units were consented but not constructed.

²⁹³ Submission 169

²⁹⁴ Submission 166

²⁹⁵ Submission 433: Opposed in FS1097 and FS1117

²⁹⁶ Submission 453

831. We do not recommend acceptance of Submission 166. The submitter did not appear to amplify their submission and we consider that we have addressed the more general issues it poses elsewhere in this report.
832. The request for deletion by Submission 433 was addressed by Mr Bryce's recommendation that the rule not apply within the Airport noise boundaries defined in the Plan.
833. We agree with that approach although we consider it needs to be clearer that any reference to the Air Noise Boundary and Outer Control Boundary should be as defined in the planning maps.
834. Lastly, Mr Duncan White gave evidence in support the submissions of Patterson Pitts Partners (Wanaka) Limited²⁹⁷. He explained that the reference to more practical provisions related to the changes to the land transfer system (including the establishment of electronic titles for land) and the interrelationship of section 221 registrations with certification under section 224(c). For our part, we were grateful for the assistance provided by Mr White and his colleague Mr Botting on these matters. Mr Bryce recommended acceptance of the suggestions in the submission and we concur. Mr White raised other issues of the practical application of this rule. In particular, he queried whether it was appropriate for District Plan requirements like the maximum building height and the limitation of one residential unit per lot to be locked in by consent notices. He also noted the potential issues posed by changes of design requiring a cancellation or variation of the consent notice with consequent costs on the landowner. Lastly, Mr White queried the position if a consent or certificate of compliance has lapsed. Mr Bryce did not recommend additional changes to address these issues. In his reply evidence²⁹⁸, he expressed his view that any additional costs associated with the need to vary a consent notice were outweighed by the benefits derived from investment certainty.
835. Many of the points about which Mr White expressed concern are in landowners' own hands to address. Certificates of compliance and land use consents might be granted for generic designs. How specifically or how widely an application for either is framed is a matter for a landowner. Similarly, if a landowner has a certificate of compliance or land use consent that is in danger of lapsing, they can apply to extend the lapse period under section 125 of the Act.
836. While Mr White had a point regarding the desirability of using consent notices only to bind the subdivider to planning requirements that require compliance on an ongoing basis, these particular requirements (building height and number of lots) are key to the effects of residential development on an ongoing basis. We therefore agree with Mr Bryce's recommendation in this regard.
837. The only additional amendments we recommend are a minor grammatical change (to refer to 'the' residential unit(s), consistent with the first part of the rule) amendment of the zone name consequential on the Stream 6 Hearing Panel's Report, a clarification of the type of resource consent required, and some internal renumbering and reformatting for consistency.
838. In summary, therefore, we recommend that notified Rule 27.5.3 be renumbered 27.7.14 and amended to read:

"Subdivision associated with residential development on sites less than 450m² in the Lower Density Suburban Residential Zone.

²⁹⁷ Submission 453

²⁹⁸ N Bryce, Reply Statement at 10.4

27.7.14.1 *In the Lower Density Suburban Residential Zone, the specified minimum allotment size in Rule 27.6.1 shall not apply in cases where the residential units are not established, providing:*

- a. *a certificate of compliance is issued for the residential unit(s) or,*
- b. *a land use consent has been granted for the residential unit(s).*

In addition to any other relevant matters, pursuant to s221 of the Act, the consent holder shall register on the Computer Freehold Register of the applicable allotments:

- a. *that the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or land use consent (applies to the additional undeveloped lot to be created);*
- b. *the maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created);*
- c. *there shall be not more than one residential unit per lot (applies to all lots).*

27.7.14.2 *Rule 27.7.14.1 shall not apply to the Lower Density Suburban Residential Zone within the Queenstown Airport Air Noise Boundary and Outer Control Boundary as shown on the planning maps."*

8.5 Servicing and Infrastructure Requirements

839. The next rule Mr Bryce discussed are a series of provisions contained in notified Section 27.5.4 which was entitled "*Standards relating to servicing and infrastructure*", but which are in fact limited to water supplies. These provisions were the subject of submissions from the telecommunication companies²⁹⁹ seeking insertion of a new standard regarding telecommunication reticulation and, in one case, electricity connections. Putting those matters aside for the moment, the only submissions on the existing provisions related to water supply supported them³⁰⁰, although Submission 166 did seek clarification as to the Council's intention regarding what capacity potable water supply should be available to lots where no communal owned and operated water supply exists. The submission observed that the rule appeared to be at variance from current Council standards.

840. Mr Wallace provided the answer to that question: the current Council Code of Practice requires provision for 2100 litres per day, which covers both potable and irrigation water supply, and is designed for a reticulated system. Mr Wallace advised that where a reticulated system is not available, the minimum requirement is 1000 litres per day (as per the notified rule) with the subdivider needing to identify what supply will be available for irrigation separately.

841. Mr Bryce however recommended that provisions in the notified Rule 27.5.4.1 referring to zones not covered by Stage 1 of the PDP process be deleted. For the reasons already discussed, we concur and recommend those references be deleted pursuant to Clause 16(2). In the case of the reference to the Corner Shopping Centre Zone, this should be corrected to the Local Shopping Centre Zone on the same basis, as should the reference to the Airport Mixed Use Zone be changed to Airport Zone - Queenstown.

²⁹⁹ Submissions 179, 191, 421 and 781: Supported in FS1132; Opposed in FS1097, FS1117 and FS1164

³⁰⁰ Submissions 453, 586, 775 and 803

842. Apart from a minor grammatical change in the opening words of what was notified Rule 27.5.4.1, and some internal renumbering for consistency, the only substantive amendments we recommend are to make the first rule (providing that all lots must be connected to a reticulated water supply) subject to the third rule (which provides the position where no reticulated water supply exists) and to correct the references to the Millbrook Resort and Waterfall Park Zones.
843. In summary, therefore, we recommend that notified Rules 27.5.4.1-3 be renumbered 27.7.15.1-3 and amended to read:
- “27.7.15.1 Subject to Rule 27.7.15.3, all lots, other than lots for access, roads, utilities and reserves except where irrigation is required, must be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:*
- To a Council or community owned and operated reticulated water supply:*
- a. Residential, Business, Town Centre, Local Shopping Centre Zones and Airport Zone - Queenstown;*
 - b. Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes;*
 - c. Millbrook Resort Zone and Waterfall Park Zone.*
- 27.7.15.2 Where any reticulation for any of the above water supplies crosses private land, it should be accessible by way of easement to the nearest point of supply.*
- 27.7.15.3 Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.”*
844. Turning to infrastructure services other than water supplies, Mr Bryce drew our attention in his Section 42A Report to the interrelationship with renumbered Policy 27.2.5 which indicates an intention to generally require connections to electricity supply and telecommunication systems at the boundary of lots. He recommended a new standard related to provision of telecommunication reticulation to allotments in new subdivisions.
845. We discussed with Mr Bryce whether the suggested standard was consistent with the policy emphasis in recommended Policy 27.2.5.16 on providing flexibility to cater for advances in telecommunication and computer media technology. Mr Bryce’s view was that it was broadly consistent. Mr Bryce also agreed with our suggestion that it was desirable to include an equivalent rule/requirement related to electricity.
846. The submissions from telecommunications companies sought to introduce an emphasis on telecommunication reticulation meeting the requirements of the network provider. We also note further submissions on this point seeking to emphasise the commercial nature of the arrangements between landowners and telecommunication service providers and the potential, given changing technology, for self-sufficiency³⁰¹.
847. In some ways, electricity supply is rather easier to address than telecommunications. Unless a property is ‘off-grid’, there must be an electricity line to the boundary, and in our view, this should be a subdivision standard.

³⁰¹ Further submissions 1097, 1132, 1117 and 1164

848. With telecommunication technology increasingly offering connection options not involving hard wiring, this is somewhat more problematic. We are also wary of recommending rules that enable the telecommunication companies to leverage the position for their commercial advantage.

849. We have come to the view that while subdivision standards might legitimately provide for hard-wired telecommunication reticulation in urban environments and Rural Residential zoned land, in Rural Lifestyle, Gibbston Character and Rural zoned areas, greater flexibility is required.

850. In summary, we recommend amendments to the new rule suggested by Mr Bryce to split it into three under a new heading “*Telecommunications/Electricity*”, numbered 27.7.15.4-6, and worded as follows:

“Electricity reticulation must be provided to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).

Telecommunication services must be available to all allotments in new subdivisions in the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

Telecommunication reticulation must be provided to all allotments in new subdivisions in zones other than the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).”

851. Before leaving revised Section 27.7, we should address the heading for the whole section. Mr Bryce recommended that it be headed “*Rules – Zone and Location Specific Standards*”. Many of the provisions in this section are not ‘standards’ in the ordinary sense of the word. We recommend that the heading be amended to “*Zone and Location Specific Rules*”.

8.6 Exemptions

852. In Mr Bryce’s recommended revised Chapter 27, the next section (numbered 27.8) was entitled “*Rules – Exemptions*” which was then amplified with a statement (numbered 27.8.1):

“The following activities are permitted and shall not require resource consent.”

853. This initial statement was derived from notified Section 27.6.1. Consequent on Mr Bryce’s recommendation (that we support) that Rule 27.6.1.1 be transferred into the rule table in Section 27.5, the only remaining provision from what was Section 27.6 related to the provision of esplanade reserves or strips.

854. The only submissions on Rule 27.6.1.2 supported the rule in its current form³⁰², but Submission 453 queried whether the rule should have its own heading.

855. While Mr Bryce did not feel the need to amend what was 26.6.1, we consider that the submission made a valid point. Notified Rule 27.6.1.2 did not describe a permitted activity not requiring a resource consent. What it did was identify exemptions from the requirement to provide an esplanade reserve or strip, and the heading of the rule should say that. The more

³⁰² See Submissions 453, 635 and 719

general heading might also usefully be clarified given that the section now identifies only one exemption.

856. Secondly, the language of notified Rule 27.6.1.2 was quite convoluted. Paraphrasing section 230(3) of the Act, it stated that unless provided otherwise in a rule of a District Plan, where any allotment of less than 4 hectares is created by a subdivision, an esplanade reserve is normally required to be set aside. The purpose of Rule 27.6.1.2 was clearly to make such provision and we consider that that might be stated much more clearly than it is at present. In addition, the cross reference to activities under former Rule 27.6.1.1 needs to be changed to refer to activities provided for in renumbered Rule 27.5.2.

857. In summary, therefore, we recommend that revised section 27.8 of the PDP be worded as follows:

“27.8 Rules – Esplanade Reserve Exemption

27.8.1 Esplanade reserves or strips shall not be required where a proposed subdivision arises solely due to the land being acquired or a lot being created for a road designation, utility or reserve, or in the case of activities authorised by Rule 27.5.2.”

858. In Mr Bryce’s revised recommended Chapter 27, two other provisions were suggested to be inserted within section 27.8 worded as follows:

*“27.8.2 Industrial B Zone;
a. Reserved for Stage 2 of the District Plan review.*

*27.8.3 Riverside Stage 6 – Albert Town:
a. Reserved for Stage 2 of the District Plan review.”*

859. We suspect that these provisions were left in Mr Bryce’s recommended Chapter 27 in error. Clearly they do not fit the suggested heading to Section 27.8 (Rules – Exemptions).

860. Nor do they actually say anything. At most they are placeholders. As such, we do not recommend they be included.

8.7 Assessment Criteria

861. The following section (27.9 in Mr Bryce’s suggested revised Chapter 27) is a new section entitled “*Assessment Matters for Resource Consents*”.

862. The background to this particular part of the subdivision chapter was discussed in section 5 of Mr Bryce’s reply evidence. As Mr Bryce noted, one of the legal submissions made by Mr Goldsmith³⁰³ was to query whether Chapter 27 as notified created legal issues as a result of the extensive use of objectives and policies as the basis for assessment of subdivision applications, as opposed to using assessment criteria (as is the case under the ODP). Mr Bryce’s reply evidence also recorded that Mr Goldsmith highlighted concerns that a number of the “*matters of discretion*” were framed in fact as assessment criteria.

863. We discussed with Mr Goldsmith the potential to employ the structure used within the Proposed Auckland Unitary Plan, which included assessment matters for controlled activity

³⁰³ On behalf of GW Stalker Family Trust and Others (Submissions 430, 515, 523, 525, 530, 531, 535 and 537, FS1256)

and restricted discretionary activity rules within both urban and rural subdivision chapters as a means to supplement the objectives and policies. Mr Goldsmith thought that we might use the wording of that Plan, subject to confirming scope.

864. We asked Mr Bryce to consider these matters and to advise us whether, in his opinion, the understanding and implementation of Chapter 27 would be improved with insertion of appropriate assessment criteria. His conclusion was that this would be the case and he provided us with draft provisions which we might consider recommending. Given the time pressures Mr Bryce was under, this was a significant undertaking, and we express our thanks for his work on this aspect of his reply evidence, which we have found of particular assistance.
865. Mr Bryce noted that the suggested assessment criteria responded to requests in submissions both for clear guidance for Council planning officers processing applications³⁰⁴ and to the large number of submissions seeking inclusion of the provisions of the ODP Chapter 15 in whole or in part that we have already discussed³⁰⁵.
866. We also consider that inclusion of assessment criteria is consequential on our recommendation to accept Mr Bryce's recommendation and provide a more permissive rule regime for subdivisions than in the notified PDP (responding in that regard to the very large number of submissions seeking that outcome).
867. As Mr Bryce recorded, his recommended assessment criteria did not seek to reintroduce significant volumes of assessment matters reflective of those within the ODP, but rather sought to achieve an appropriate balance between effective guidance to plan users and administrators, while still seeking to ensure that the PDP is streamlined³⁰⁶.
868. Mr Bryce also recommended adoption of an approach advanced within the Proposed Auckland Unitary Plan whereby relevant policies are cross referenced within the assessment matters. We agree with Mr Bryce that this approach is advantageous, because it provides an effective link between the policies and supporting methods.
869. Lastly, we note that inclusion of assessment criteria properly so called has enabled Mr Bryce to remove an unsatisfactory feature of the notified Chapter 27 commented on by Mr Goldsmith: "*assessment criteria*" which are mislabelled as matters of discretion or like provisions.
870. We do not intend to review all of the assessment criteria recommended by Mr Bryce in detail, but rather to identify where, in our view, Mr Bryce's recommendations need to be amended and/or supplemented.
871. The first point that we would note is that we consider it necessary to revise the headings Mr Bryce had suggested in order that the new Section 27.9 might have its own numbering system, albeit cross referenced to the rules to which each set of assessment criteria relate.
872. The second general set of amendments that we recommend is to amend the assessment criteria where necessary, to express each point more clearly as a question or issue to which Council staff should direct themselves.

³⁰⁴ Submission 370

³⁰⁵ Mr Goldsmith also directed us to those submissions as providing a jurisdictional basis for adopting the same approach as the Proposed Auckland Unitary Plan.

³⁰⁶ N Bryce Reply Statement at 5.8

873. In our renumbered Sections 27.9.3.1 and 27.9.3.2 (related to revised Rules 27.5.7 and 27.5.8 respectively) we have added assessment criteria as a consequential change reflecting the additional changes we have recommended to those rules to insert a discretion related to reverse sensitivity effects on infrastructure.
874. Similarly, we recommend amendment to delete assessment criteria recommended by Mr Bryce related to activities affecting electricity sub-transmission lines, reflecting our recommendation as above, that this not be the subject of a separate rule. We have made other more minor amendments to Mr Bryce’s recommended assessment criteria to cross reference our recommended revisions to the policies and rules.
875. We consider that Mr Bryce’s recommended assessment criteria for the Jacks Point Zone need amendment to reflect deletion of the rule related to subdivisions in the FP-1 area. As discussed in section 5.10 above, we recommend that most of the ‘assessment criteria’ recommended by Mr Bryce be returned to what is now section 27.3.7.
876. We also recommend use of the defined term “*Structure Plan*” that we have suggested to the Stream 10 Hearing Panel rather than seeking to describe all of the various plans of similar ilk.
877. Where we have recommended deletion of location-specific rules as above (or where they have been deleted by the Stage 2 Variations), we have not included assessment criteria Mr Bryce has suggested related to those rules.
878. Lastly, we have inserted a new set of assessment criteria recommended by the Stream 12 Hearing Panel in relation to the new Controlled Activity rule discussed above, applying to the West Meadows Drive area.
879. The end result, however, is that recommended Section 27.9 contains a set of assessment criteria that in our view will assist implementation of the objectives and policies and is the best way to implement those policies.

8.8 Notification

880. Turning to notification issues, this was dealt with in notified Section 27.9. As a result of the reorganisation of the Chapter, the parallel provisions are in Section 27.10 of our recommended version of the Chapter.
881. Relevant submissions included:
- a. A request that all subdivisions in the Lake Hawea area be notified³⁰⁷;
 - b. Deletion of provision creating potential for notification where an application site adjoins a state highway³⁰⁸;
 - c. Insertion of a requirement for restricted discretionary and discretionary subdivisions in the (now) Lower Density Suburban Residential Zone to be supported with affected party approval before they are considered on a non-notified basis³⁰⁹;
 - d. Addition of the Ski Area Sub-Zone as an additional category of non-notified applications³¹⁰;

³⁰⁷ Submission 272

³⁰⁸ Submission 275

³⁰⁹ Submission 427 and 406: Opposed in FS1261

³¹⁰ Submissions 613 and 610

- e. Addition of subdivision of sites within the Queenstown or Wanaka Airport air noise boundaries within the category of applications that are potentially notified³¹¹;
 - f. Provision for notification where there is a need to assess natural hazard risk³¹².
882. Mr Bryce recommended that consequent on his recommended amendments to the rules, the scope of applications that are directed not to be notified or limited–notified should be revised and limited to controlled activity boundary adjustments and to controlled and restricted discretionary activities, but that otherwise, the submissions on this part of the Chapter should be rejected.
883. Addressing the specific points of submission, Mr Bryce recommended rejection of Submission 272 on the basis that in cases to which renumbered Section 27.10.1 did not apply, notification would be addressed on a case by case basis³¹³. We agree with Mr Bryce’s recommendation. While, as the submission notes, public notification provides a public consultation process, the presumption in favour of notification has been removed from the Act and we have seen no evidence that would suggest that the costs of notification in every case, irrespective of the nature and scale of any environmental effects, is matched by the benefits of doing so.
884. As regards Submission 275, Mr Bryce recommended rejection of the submission, noting that it perpetuated an existing provision under the ODP and had the effect only of ensuring notification would be assessed on a case by case basis where sites adjoin or have access to a state highway. We agree with Mr Bryce’s reasoning. Given the policy provisions related to reverse sensitivity effects on regionally significant infrastructure, we consider it is appropriate that notification decisions be assessed on their merits in this instance. However, the way in which these provisions have been reframed means that we categorise the submission as ‘Accepted in Part’.
885. Mr Bryce recommended rejection of submissions 427 and 406 regarding subdivisions in the Low Density Residential Zone. In his view, a case by case assessment for subdivision applications not falling within the general provisions of renumbered Rule 27.10.1 was appropriate. We note also that Mr Bryce’s recommended revisions to this section would have the result of accepting the submissions in part because discretionary applications within the (now) Lower Density Suburban Residential Zone would not fall within the general no notification rule. The submitters in this case did not appear to provide evidence as to why the renamed Lower Density Suburban Residential Zone should be treated differently to the balance of zones in the Plan, or to provide us with evidence as to the balance of costs and benefits were their relief to be accepted. In these circumstances, we agree with Mr Bryce’s recommendation and recommend that the submissions be rejected.
886. Mr Bryce discussed the submissions seeking an exemption for subdivisions within the Ski Area Sub-Zones in somewhat greater detail in his Section 42A Report³¹⁴. In his view, there is the potential for subdivision within the Ski Area Sub-Zones to create arbitrary lines within sensitive landscape settings and accordingly, a need for the effects of subdivision in the Sub-Zone to be considered on a case by case basis.

³¹¹ Submission 433: Opposed in FS1097 and FS1117

³¹² Submission 798

³¹³ While this has changed since the hearing (with effect from 18 October 2017) with enactment of the Resource Legislation Amendment Act 2017, the transition provisions (refer section 12 of Schedule 12 of the Act) direct that the PDP First Schedule process must be completed as if the 2017 Amendment Act had not been enacted.

³¹⁴ Section 42A Report at 23.4

887. Mr Ferguson gave planning evidence on behalf of the submitters. He noted that Mr Bryce's position appeared to be related to the issues surrounding the status of a subdivision within the Ski Area Sub-Zones. As already noted, Mr Ferguson gave evidence supporting controlled activity status for such subdivisions which, if accepted, would have had the effect of bringing such subdivisions within the ambit of the non-notification rule.
888. Mr Ferguson did not explore the position should we recommend (as we have done) that discretionary status for subdivisions within the Sub-Zone be retained.
889. We agree that there is a linkage between these matters. The same considerations that have prompted us to recommend rejection of the broader submissions on the status of subdivisions within Ski Area Sub-Zones suggest to us that notification decisions should be assessed on a case by case basis rather than being predetermined through operation of a non-notification rule.
890. In summary, we agree with Mr Bryce's recommendation and we recommend rejection of these submissions.
891. Mr Bryce also recommended rejection of the submission by Queenstown Airport Corporation seeking an exception for activities within the defined noise boundaries around Queenstown and Wanaka Airports.
892. In his opinion, the amendments to the PDP recommended to address potential reverse sensitivity effects on the Airport meant that those issues were already appropriately addressed. Mr Bryce noted in this regard that subdivisions in the vicinity of Wanaka Airport would in most circumstances be a discretionary activity anyway and accordingly could be notified on that basis. He invited QAC to respond to this matter at the hearing³¹⁵. When QAC appeared before us, its Counsel advised that Ms O'Sullivan (the submitter's planning adviser) agreed that the relief sought was unnecessary and that the submitter no longer pursued the submission. Accordingly, we need take that particular point no further.
893. As regards the submission of Otago Regional Council³¹⁶, this poses a practical difficulty given that (as discussed in greater detail in Report 14) virtually every property in the District is subject to some level of natural hazard. We therefore have difficulty understanding how the submission could be granted other than by requiring notification of every application the Council receives. This would have obvious cost implications. ORC did not appear to suggest how its submission could practically be addressed and provided no section 32AA analysis upon which we could rely. Accordingly, we recommend the Regional Council's submission be rejected.
894. Considering the detail of Mr Bryce's recommendations, we consider that his recommended Rule 27.10.1 requires further amendment to be clear that boundary adjustments falling within Rule 27.5.4 fall outside the non-notification rule (presumably the reason why he suggested that specific reference be made to controlled activity boundary adjustments).
895. In addition, we do not think it is necessary to make specific reference in 27.10.2 to archaeological sites or listed heritage items, or to discretionary activities within the Jacks Point Zone. Consequent on Mr Bryce's recommended focus of the non-notification rule on

³¹⁵ Refer Section 42A Report at 23.5.

³¹⁶ Submission 798

controlled and restricted discretionary activities, those activities automatically fall outside the rule in any event.

896. We also think that the reference to the National Grid Line might be simplified, just to cross reference Rule 27.5.10.
897. Lastly, the existing reference to the Makarora Rural Lifestyle Zone can be deleted, consequent on the Stream 12 Hearing Panel's recommendation to rezone that land Rural.
898. More generally, while improved by Mr Bryce, we found the drafting of these provisions to be quite convoluted, with an initial rule, followed by two separate sets of exceptions. We think it can be simplified further.
899. In summary, we recommend that notified Section 27.9 be renumbered 27.10 and amended to read:

“Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:

- a. where the site adjoins or has access onto a State Highway;*
- b. where the Council is required to undertake statutory consultation with iwi;*
- c. where the application falls within the ambit of Rule 27.5.4;*
- d. where the application falls within the ambit of Rule 27.5.10 and the written approval of Transpower New Zealand Limited has not been obtained to the application.*

8.9 Section 27.10 – Rules – General Provisions

900. Notified Section 27.10 was entitled “Rules – General Provisions”. The first such provision related to subdivisions with access onto State Highways. NZTA³¹⁷ made some technical suggestions as to how this rule should be framed that Mr Bryce recommended be accepted. We concur. The only additional amendment that we would recommend relates to the cross reference to the Designations Chapter. We consider that this should, for clarity, record that the designations chapter notes sections of State Highways that are limited access roads as at the date of notification of the PDP (August 2015).
901. The second general provision relates to “esplanades”. The only submission on it³¹⁸ suggested correction of an internal cross reference. Mr Bryce recommended that that submission be accepted.
902. For our part, in addition to that correction, we think that both the heading and text of this rule would more correctly refer to esplanade reserves and strips rather than “esplanades”. We regard this as a minor matter falling within Clause 16(2).
903. Thirdly, consequent on the concern expressed to us by representatives of Aurora Energy Limited that the general public are not familiar with the legal obligations arising under the New Zealand Electrical Code of Practice for electrical safe distances, we consider it would be helpful if the existence of this Code of Practice were noted at this location.
904. Lastly, we consider that the heading of this section is incorrect. Mr Bryce agreed that they are not rules and suggested that the title might better be “General Provisions”. For our part, we consider that “Advice Notes” better captures the character of the provisions in question given

³¹⁷ Submission 719

³¹⁸ Submission 809

that they are in the nature of advice and are not intended to have independent regulatory effect.

905. In summary, therefore, we recommend that notified Section 27.10 be renumbered 27.11 and amended to read:

“Advice Notes

27.11.1 State Highways

Attention is drawn to the need to obtain a Section 93 notice from New Zealand Transport Agency for subdivisions with access onto State Highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of State Highways that are LAR as at August 2015. Where a designation will change the use, intensity or location of the access on the State Highway, subdividers should consult with the New Zealand Transport Agency.

27.11.2 Esplanade Reserves and Strips

The opportunities for the creation of esplanade reserves or strips are outlined in the objective and policies in Section 27.2.6. Unless otherwise stated, section 230 of the Act applies to the standards and process for creation of esplanade reserves and strips.

27.11.3 New Zealand Electrical Code of Practice for Electrical Safe Distances

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001 including any activities that are otherwise permitted by the District Plan must comply with this legislation.”

8.10 Section 27.12 – Financial Contributions

906. Notified Section 27.12 related to financial contributions. The only submissions on it supported the existing provisions, although Submission 166 queried the title. Mr Bryce did not recommend any change to it other than to alter the heading to read:

“Development and Financial Contributions”

907. We agree with that suggestion.

8.11 Section 27.13 – Structure Plans

908. Notified Section 27.13 contained the Ferry Hill Rural Residential Subzone Concept Development Plan and the Kirimoko Block Structure Plan. The only submissions on it supported the existing provisions. The Stage 2 Variations propose deletion of the Ferry Hill document. For our part, for the reasons discussed earlier, we consider that a copy of the other *“Structure Plans”* contained in the PDP and referenced in the objectives, policies and rules of Chapter 27 should be contained here. Accordingly, we recommend that the Structure Plans for the Jacks Point, Waterfall Park, Millbrook Resort, Coneburn Industrial Zones and West Meadows Drive (the latter two consequential on recommendations from the Stream 13 and Stream 12 Hearing Panels respectively) be inserted in this section of the Chapter.

909. We also recommend the section be labelled *“Structure Plans”*.

8.12 Conclusions on Rules

910. Having considered all of the rules and other provisions of the PDP discussed above, we are of the belief that individually and collectively, the rules and other provisions recommended are the most appropriate provisions to implement the policies of Chapter 27 and thereby achieve the objectives both of Chapter 27 and, to the extent they are relevant, the objectives of the strategic chapters of the PDP.

9. SUMMARY OF RECOMMENDATIONS TO OTHER HEARING STREAMS

911. We also record that during the course of our deliberations, we determined that it would assist implementation of Chapter 27 if the definitions in Chapter 2 were amended in two respects:

- a. Deletion of the existing definition of “community facilities” (refer Section 4.3 above)
- b. Inclusion of a new definition of the term “Structure Plan” as follows:

“Structure Plan means a plan included in the District Plan, and includes Spatial Development Plans, Concept Development Plans and other similarly titled documents.” (refer the discussion at Section 8.7 above).

912. These are matters for the Hearing Panel considering submissions on the definitions (Stream 10) to consider.

10. SUMMARY OF RECOMMENDATIONS

913. As already noted, we have attached our recommended version of Chapter 27 as a clean document in Appendix 1.

914. Appendix 2 contains our recommendations in respect of submissions in tabular form.

915. In addition, in the course of this Report, we have made a number of other recommendations for consideration of the Council. These are detailed in Appendix 3.

For the Hearing Panel



Denis Nugent, Chair

Dated: 4 April 2018

Appendix 1 – Recommended Revised Chapter 27

27 SUBDIVISION & DEVELOPMENT

27.1

Purpose

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

All subdivision requires resource consent unless specified as a permitted activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the appropriate management of natural hazards are underpinned by a shared objective to create healthy, attractive and safe places.

Good subdivision can help to create neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight.

Good subdivision design will be encouraged by the use of the QLDC Subdivision Design Guidelines 2015. The QLDC Subdivision Design Guidelines includes subdivision and urban design principles and outcomes that give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals in urban areas. Proposals at odds with this document are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the Act. Some aspects of the Subdivision Design Guidelines may be relevant to rural subdivisions.

The QLDC Land Development and Subdivision Code of Practice provides assistance in the design of subdivision and development infrastructure in the District and should also be considered by subdivision applicants.

The Council uses its Development Contributions Policy set out in its 10 Year Plan to fix the contributions payable by subdividers for infrastructure upgrades. That policy operates in parallel with the provisions of this chapter and should also be referred to by subdivision consent applicants.

The subdivision chapter is the primary method to ensure that the District's neighbourhoods are quality environments that take into account the character of local places and communities.

27.2

Objectives and Policies - District Wide

27.2.1 **Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.**

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| Policies | <p>27.2.1.1 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.</p> <p>27.2.1.2 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.</p> <p>27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.</p> |
|----------|--|

- 27.2.1.4** Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:
 - a. desirable urban design outcomes;
 - b. greater efficiency in the development and use of the land resource;
 - c. affordable or community housing.
- 27.2.1.5** Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.
- 27.2.1.6** Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.
- 27.2.1.7** Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

- Policies
- 27.2.2.1** Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.
 - 27.2.2.2** Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.
 - 27.2.2.3** Locate open spaces and reserves in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.
 - 27.2.2.4** Urban subdivision shall seek to provide for good and integrated connections and accessibility to:
 - a. existing and planned areas of employment;
 - b. community facilities;
 - c. services;
 - d. trails;
 - e. public transport; and
 - f. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.

- 27.2.2.5** Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.
- 27.2.2.6** Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.
- 27.2.2.7** Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.
- 27.2.2.8** Manage subdivision within the National Grid Corridor or near to electricity distribution lines to facilitate good amenity and urban design outcomes, while minimising potential adverse effects (including reverse sensitivity effects) on the National Grid and avoiding, remedying or mitigating potential adverse effects (including reverse sensitivity effects) on electricity distribution lines.

27.2.3 Objective - The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.

Policies

- 27.2.3.1** Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7.
- 27.2.3.2** While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to:
 - a. ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
 - b. where possible, locate lots so that they over-look and front road and open spaces;
 - c. avoid the creation of multiple rear sites, except where avoidance is not practicable;
 - d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
 - e. identify and create opportunities for connections to services and facilities in the neighbourhood.

27.2.4 Objective - Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.

- Policies
- 27.2.4.1** Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces where that will maintain or enhance biodiversity, riparian and amenity values.
 - 27.2.4.2** Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan.
 - 27.2.4.3** Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wāhi tapu and other taonga.
 - 27.2.4.4** Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:
 - a. whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;
 - b. where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.

27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.

Transport, Access and Roads

- Policies
- 27.2.5.1** Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling.

For the purposes of this policy, reference to 'expected traffic levels' refers to those traffic levels anticipated as a result of the zoning of the area in the District Plan.
 - 27.2.5.2** Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.
 - 27.2.5.3** Provide linkages to public transport networks, and to trail, walking and cycling networks, where useful linkages can be developed.
 - 27.2.5.4** Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.

- 27.2.5.5** Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways are provided for within subdivisions by having regard to:
- a. the location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;
 - b. the number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;
 - c. the standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails;
 - d. the provision and vesting of corner splays or rounding at road intersections;
 - e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety and the avoidance of upward light spill adversely affecting views of the night sky;
 - f. the provision of appropriate tree planting within roads;
 - g. any requirements for widening, formation or upgrading of existing roads;
 - h. any provisions relating to access for future subdivision on adjoining land;
 - i. the provision and location of public transport routes and bus shelters.

Water supply, stormwater, wastewater

- 27.2.5.6** All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

Water

- 27.2.5.7** Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.
- 27.2.5.8** Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.
- 27.2.5.9** Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.
- 27.2.5.10** Ensure appropriate water supply, design and installation by having regard to:
- a. the availability, quantity, quality and security of the supply of water to the lots being created;
 - b. water supplies for fire fighting purposes;
 - c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
 - d. any initiatives proposed to reduce water demand and water use.

Stormwater

27.2.5.11 Ensure appropriate stormwater design and management by having regard to:

- a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
- b. the capacity of existing and proposed stormwater systems;
- c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- d. the location, scale and construction of stormwater infrastructure;
- e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.

27.2.5.12 Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.

Wastewater

27.2.5.13 Treat and dispose of sewage in a manner that:

- a. maintain public health;
- b. avoids adverse effects on the environment in the first instance; and
- c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.

27.2.5.14 Ensure appropriate sewage treatment and disposal by having regard to:

- a. the method of sewage treatment and disposal;
- b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.

27.2.5.15 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

Energy Supply and Telecommunications

27.2.5.16 Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

- a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;

- b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;
- c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.

Easements

27.2.5.17 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.

27.2.5.18 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

27.2.6 Objective - Esplanades created where opportunities arise.

- Policies
- 27.2.6.1** Create esplanade reserves or strips where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:
 - a. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;
 - b. have high actual or potential value with regard to the maintenance of indigenous biodiversity;
 - c. comprise significant indigenous vegetation or significant habitats of indigenous fauna;
 - d. are considered to comprise an integral part of an outstanding natural feature or outstanding natural landscape;
 - e. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;
 - f. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.
 - 27.2.6.2** Use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Act.

27.2.7 Objective - Boundary adjustments, cross-lease and unit title subdivision are provided for.

- Policies
- 27.2.7.1** Enable cross-lease and unit title subdivision of existing units in urban areas without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.

- 27.2.7.2** Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:
- a. the location of the proposed boundaries;
 - b. in rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
 - c. boundary treatment;
 - d. the location and terms of existing or proposed easements or other arrangements for access and services.

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.

Peninsula Bay

27.3.1 **Objective - Ensure effective public access is provided throughout the Peninsula Bay land.**

- Policies
- 27.3.1.1** Ensure that before any subdivision or development occurs within the Peninsula Bay Lower Density Suburban Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.
 - 27.3.1.2** Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.
 - 27.3.1.3** Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality, recreational resource, with excellent linkages, and opportunities for different community groups.

Kirimoko

27.3.2 **Objective** - A liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.

- Policies
- 27.3.2.1** Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.
 - 27.3.2.2** Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.
 - 27.3.2.3** Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies and that visually sensitive areas such as the spurs are left undeveloped.
 - 27.3.2.4** Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.
 - 27.3.2.5** Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.
 - 27.3.2.6** Provide for road and walkway linkages to neighbouring developments.
 - 27.3.2.7** Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.
 - 27.3.2.8** Minimise disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.
 - 27.3.2.9** Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.
 - 27.3.2.10** Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

Large Lot Residential A Zone between Studholme Road and Meadowstone Drive.

27.3.3 **Objective** - Landscape and amenity values of the zone's low density character and transition with rural areas be recognised and protected.

- Policies
- 27.3.3.1** Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to minimising the prominence of housing on ridgelines overlooking the Wanaka township.
 - 27.3.3.2** Subdivision and development within land located on the northern side of Studholme Road shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.
-

Bob's Cove Rural Residential Zone (excluding sub-zone)

27.3.4 **Objective** - The special character of the Bob's Cove Rural Residential Zone is recognised and provided for.

- Policies
- 27.3.4.1** In order to maintain the rural character of the zone, any required street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on views of the night sky.
-

Ferry Hill Rural Residential Sub-Zone

27.7.6 **Objective** - Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub-Zone.

- Policies
- 27.7.6.1** At the time of considering a subdivision application, the following matters shall be had particular regard to:
 - a. The subdivision design has had regard to minimising the number of accesses to roads;
 - b. the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;

- c. the extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;
- d. The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road¹.

Wyuna Station Rural Lifestyle Zone

27.3.5 **Objective** - Provision for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.

- Policies **27.3.5.1** Prohibit or defer development of the zone until such a time that:
- a. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
 - b. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
 - c. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

27.3.6 **Objective** - Subject to Objective 27.3.5, rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.

- Policies **27.3.6.1** The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from Glenorchy Township, Oban Street or the Glenorchy-Paradise Road. Measures to achieve this include:
- a. prohibiting development over the sensitive areas of the zone via building restriction areas;
 - b. appropriately locating buildings within the zone, including restrictions on future building bulk;
 - c. using excavation of the eastern part of the terrace to form appropriate building platforms;

¹. Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

- d. using naturalistic mounding of the western part of the terrace to assist visual screening of development;
- e. using native vegetation to assist visual screening of development;
- f. the maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.

- 27.3.6.2** Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:
- a. methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;
 - b. methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;
 - c. a programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.

Jacks Point Zone

27.3.7 Objective - Subdivision occurs consistent with the Jacks Point Structure Plan.

- Policies
- 27.3.7.1** Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.
- 27.3.7.2** Within the R(HD) Activity Areas, subdivision design shall provide for the following matters:
- a. the development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area;
 - b. mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu;
 - c. road and street designs;
 - d. the location and suitability of proposed open spaces;
 - e. commitments to remove wilding trees.
- 27.3.7.3** Within the R(HD-SH) Activity Areas, minimise the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.
- 27.3.7.4** Within the R(HD) Activity Area, in the consideration of the creation of sites sized less than 550m², particular regard shall be given to the following matters and whether they should be given effect to by imposing appropriate legal mechanism of controls over:
- a. building setbacks from boundaries;

- b. location and heights of garages and other accessory buildings;
- c. height limitations for parts of buildings, including recession plane requirements;
- d. window locations;
- e. building coverage;
- f. roadside fence heights.

27.3.7.5 Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, implement measures to provide for the establishment and management of open space, including native vegetation.

27.3.7.6 Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).

27.3.7.7 In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area:

- a. such sites are to be configured:
 - i. with good street frontage;
 - ii. to enable sunlight to existing and future residential units;
 - iii. to achieve an appropriate level of privacy between homes;
- b. parking, access and landscaping are to be configured in a manner which:
 - i. minimises the dominance of driveways at the street edge;
 - ii. provides for efficient use of the land;
 - iii. maximises pedestrian and vehicular safety; and.
 - iv. addresses nuisance effects such as from vehicle lights.
- c. subdivision design should ensure:
 - i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
- d. consideration is to be given as to 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.

Waterfall Park

27.3.8 Objective – Subdivision that provides for a range of visitor, residential and recreational facilities, sympathetic to the natural setting and has regard to location specific opportunities and constraints identified within the Waterfall Park Structure Plan.

Policies **27.3.8.1** Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Section 27.13.

Millbrook

27.3.9 Objective – Subdivision that provides for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.

Policies **27.3.9.1** Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Section 27.13.

Coneburn Industrial

27.3.10 Objective - Subdivision that creates opportunities for industrial activities and Service activities to occur.

Policies **27.3.10.1** Enable subdivision which provides for a combination of lot sizes and low building coverage to ensure that this area is retained for yard based industrial and service activities as well as smaller scale industrial and service activities.

27.1.10.2 Require the establishment, restoration and ongoing maintenance of the open space areas (shown on the Coneburn Structure Plan located in Section 27.13) to:

- a. visually screen development using the planting of native species;

- b. retain existing native garden species unless they are wilding;
- c. give effect to the Ecological Management Plan required by Rule 44.4.12 so its implementation occurs at the rate of development within the Zone.

27.10.4.3 Ensure subdivision works and earthworks results in future industrial and service development (buildings) being difficult to see from State Highway 6.

27.10.4.4 At the time of subdivision ensure that there is adequate provision for road access, onsite parking (staff and visitors) and loading and manoeuvring for all types of vehicle so as to cater for the intended use of the site.

27.10.4.5 Ensure subdivision creates lots and sites that are capable of accommodating development that meets the relevant zone standards for the Coneburn Industrial Zone.

27.10.4.6 Ensure that shared infrastructure (water, wastewater and stormwater) is provided, managed, and maintained if development cannot connect to Council services.

27.10.4.7 Require safe accesses to be provided from the State Highway into the Zone at the rate the Zone is developed.

West Meadows Drive

27.3.11 Objective - The integration of road connections between West Meadows Drive and Meadowstone Drive.

- Policies
- 27.3.11.1** Enable subdivision at the western end of West Meadows Drive which has a roading layout that is consistent with the West Meadows Drive Structure Plan.
 - 27.3.11.2** Enable variances to the West Meadows Drive Structure Plan on the basis that the roading layout results in the western end of West Meadows Drive being extended to connect with the roading network and results in West Meadows Drive becoming a through-road.

Frankton North

27.3.12 Objective - Subdivision of the Medium Density Residential and Business Mixed Use Zones on the north side of State Highway 6 between Hansen Road and Quail Rise enables development integrated into the adjacent urban areas while minimising traffic impacts on the State Highway.

- Policies
- 27.3.12.1** Limit the roading access to Frankton North to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/SH6 roundabout.
 - 27.3.12.2** Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade.
 - 27.3.12.3** Ensure subdivision and development in the Frankton North Medium Density Residential and Business Mixed Use Zones provides, or has access to, a safe and legible walking and cycling environment adjacent to and across the State Highway linking to other pedestrian and cycling networks.

27.4

Other Provisions and Rules

27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	28	Natural Hazards
29	<i>Transport</i>	30	Energy and Utilities	31	<i>Signs</i>
32	Protected Trees	33	Indigenous Vegetation	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

27.4.2 Earthworks associated with subdivision

- 27.4.2.1** Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity².

². Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

27.4.3 Natural Hazards

27.4.3.1 The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the RMA. In addition, in some locations natural hazards have been identified and specific provisions apply.

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.

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

Where an activity falls within more than one rule, unless stated otherwise, its status shall be determined by the most restrictive rule.

	Boundary Adjustments	Activity Status
27.5.2	<p>An adjustment to existing cross-lease or unit title due to:</p> <ul style="list-style-type: none"> a. an alteration to the size of the lot by alterations to the building outline; b. the conversion from cross-lease to unit title; or c. the addition or relocation of an accessory building; <p>providing the activity complies with all other provisions of the District Plan or has obtained a land use consent.</p> <p>Advice Note: In order to undertake such a subdivision a certificate of compliance (s139 of the Act) will need to be obtained (see s223(1)(b)).</p>	P

	Boundary Adjustments	Activity Status
27.5.3	<p>For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <ol style="list-style-type: none"> a. in the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location; b. no additional or relocated residential building platform is identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones; c. no additional separately saleable lots are created; d. the areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable) or where any lot does not comply with an applicable minimum lot size requirement for the zone, the extent of such non-compliance is not increased; and e. lots must be immediately adjoining each other. <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. the location of the proposed boundaries; b. boundary treatment; c. easements for existing and proposed access and services. 	C
27.5.4	<p>For boundary adjustments that either:</p> <ol style="list-style-type: none"> a. involve any site that contains a heritage or any other protected item identified on the District Plan maps; or b. are within the urban growth boundary of Arrowtown; <p>where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <ol style="list-style-type: none"> a. no additional separately saleable lots are created; b. the areas of the resultant lots comply with the minimum lot size requirement for the zone; c. lots must be immediately adjoining each other; <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the impact on the heritage values of the protected item; b. the maintenance of the historic character of the Arrowtown Residential Historic Management Zone; c. the location of the proposed boundaries; d. boundary treatment; e. easements for access and services. 	RD

	Unit Title or Leasehold Subdivision	Activity Status
27.5.5	<p>Where land use consent is approved for a multi unit commercial or residential development, including visitor accommodation development, and a unit title or leasehold (including cross lease) subdivision is subsequently undertaken in accordance with the approved land use consent, provided:</p> <ul style="list-style-type: none"> a. all buildings must be in accordance with an approved land use resource consent; b. all areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose; c. all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism. <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; b. the effects of and on infrastructure provision. <p>This rule does not apply a subdivision of land creating a separate fee simple title.</p> <p>The intent is that it applies to subdivision of a lot containing an approved land use consent, in order to create titles in accordance with that consent.</p>	C

	Subdivision Activities - District Wide	Activity Status
27.5.6	Any subdivision that does not fall within any rule in this section 27.5.	D

	Subdivision Activities - District Wide	Activity Status
27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <ol style="list-style-type: none"> 1. Lower Density Suburban Residential Zone; 2. Medium Density Residential Zone; 3. High Density Residential Zone; 4. Town Centre Zones; 5. Arrowtown Residential Historic Management Zone; 6. Large Lot Residential Zone; 7. Local Shopping Centre; 8. Business Mixed Use Zone; 9. Airport Zone - Queenstown. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; l. ecological and natural values; m. historic heritage; n. easements. <p>For the avoidance of doubt, where a site is governed by a Structure Plan, that is included in the District Plan, subdivision activities shall be assessed in accordance with Rule 27.7.1.</p>	RD

	Subdivision Activities - District Wide	Activity Status
27.5.8	<p>All subdivision activities, unless otherwise provided for, in the District's Rural Residential and Rural Lifestyle Zones</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. in the Rural Lifestyle Zone, the location and size of building platforms and in respect of any buildings within those building platforms: <ol style="list-style-type: none"> i. external appearance; ii. visibility from public places; iii. landscape character; and iv. visual amenity. b. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; c. internal roading design and provision, relating to access and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots and on lot sizes and dimensions; d. property access and roading; e. esplanade provision; f. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; g. fire fighting water supply; h. water supply; i. stormwater disposal; j. sewage treatment and disposal; k. energy supply and telecommunications including adverse effects on energy supply and telecommunication networks; l. open space and recreation; m. ecological and natural values; n. historic heritage; o. easements. 	RD
27.5.9		
27.5.10	<p>Subdivision of land in any zone within the National Grid Corridor except where any allotment identifies a building platform to be located within the National Grid Yard.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. impacts on the operation, maintenance, upgrade and development of the National Grid; b. the ability of future development to comply with NZECP34:2001; c. the location, design and use of any proposed building platform as it relates to the National Grid transmission line. 	RD
27.5.11	All subdivision activities in the Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D

	Subdivision Activities - District Wide	Activity Status
27.5.12	The subdivision of land containing a heritage or any other protected item scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.5.4.	D
27.5.13	The subdivision of land identified on the planning maps as a Heritage Area.	D
27.5.14	The subdivision of a site containing a known archaeological site.	D
27.5.15	Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.	D
27.5.16	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use consent.	D
27.5.17	Within the Jacks Point Zone, subdivision that does not comply with the minimum lot areas specified in Part 27.6 and the zone and location specific rules in Part 27.7, excluding: a. in the R(HD) activity area, where the creation of lots less than 380m ² shall be assessed under Rule 27.7.5.2 (as a restricted discretionary activity).	D
27.5.18	Within the Coneburn Industrial Zone Activity Area 2a, subdivision which does not comply with the minimum lot areas specified in Part 27.6.	D
27.5.19	Subdivision that does not comply with the minimum lot areas specified in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.17 and Coneburn Industrial Zone Activity Area 2a which is assessed pursuant to Rule 27.5.18.	NC
27.5.20	A subdivision under the Unit Titles Act not falling within Rules 27.5.5 or 27.5.16 where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.21	The further subdivision of an allotment that if undertaken as part of a previous subdivision would have caused that previous subdivision to exceed the minimum average density requirements for subdivision in the Rural Lifestyle Zone or the Rural Residential Zone.	NC
27.5.22	The subdivision of land resulting in the division of a building platform.	NC
27.5.23	The subdivision of a residential flat from a residential unit.	NC
27.5.24	Any subdivision of land in any zone within the National Grid Corridor, which does not comply with Rule 27.5.10.	NC
27.5.25	Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15.	NC

27.6

Rules - Standards for Minimum Lot Areas

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

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m ²
Airport		No minimum
Coneburn Industrial	Activity Area 1a	3000m ²
	Activity Area 2a	1000m ²
Residential	High Density	450m ²
	Medium Density	250m ²
	Lower Density Suburban	450m ²
		Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary: 600m ²
	Arrowtown Residential Historic Management	800m ²
	Large Lot Residential A	2000m ²
	Large Lot Residential B	4000m ²
Rural	Rural	No minimum
	Gibbston Character	
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle Deferred A and B ³	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer ⁴	The land in this zone shall be held in a single allotment.
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ² .
	Rural Residential Ferry Hill Subzone ⁵	4000m ² with no more than 17 lots created for residential activity.

^{3,4,5} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Zone		Minimum Lot Area
	Rural Residential Camp Hill	4000m ² with no more than 36 lots created for residential activity
Jacks Point	Residential Activity Areas	380m ² In addition, subdivision shall comply with the average density requirements set out in Rule 41.5.8.
Millbrook		No minimum
Waterfall Park		No minimum

Advice Note:

Non-compliance with the minimum lot areas specified above means that a subdivision will fall under one of Rules 27.5.17-19, depending on its location.

27.6.2 Lots created for access, utilities, roads and reserves shall have no minimum size.

27.7

Zone - Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	<p>Subdivision consistent with a Structure Plan that is included in the District Plan.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; and l. ecological and natural values; m. historic heritage; n. easements; o. any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter. 	C
27.7.2	<p>Kirimoko</p> <p>27.7.2.1 In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent with the principal roading layout depicted in the Kirimoko Structure Plan shown in part 27.13, the following shall be additional matters of control:</p> <ul style="list-style-type: none"> a. roading layout; b. the provision and location of walkways and the green network; c. the protection of native species as identified on the structure plan as green network. 	C

	Zone and Location Specific Rules	Activity Status
	27.7.2.2 Any subdivision that does not comply with the principal roading layout and reserve net-work depicted in the Kirimoko Structure Plan included in Part 27.13 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties).	NC
	27.7.2.3 Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.	NC
	27.7.2.4 Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural.	NC

	Zone and Location Specific Rules	Activity Status
27.7.3	<p>Bob's Cove Rural Residential Sub-Zone</p> <p>27.7.3.1 Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> a. boundary planting – Rural Residential sub-zone at Bobs Cove: <ul style="list-style-type: none"> i. within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and ii. where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected. b. development areas and undomesticated areas within the Rural Residential sub-zone at Bob's Cove: <ul style="list-style-type: none"> i. within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council; ii. at least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council; iii. the remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council; iv. the landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and v. this area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots; vi. any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council. 	NC

	Zone and Location Specific Rules	Activity Status
27.7.4	<p>Ladies Mile</p> <p>27.7.4.1 Subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Lower Density Suburban Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <ol style="list-style-type: none"> a. the landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision. b. no separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision consent. 	NC
27.7.5	<p>Jacks Point</p> <p>27.7.5.1 Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Section 27.13. For the purposes of interpreting this rule, the following shall apply:</p> <ol style="list-style-type: none"> 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; b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey; 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; d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. 	D

	Zone and Location Specific Rules	Activity Status
	<p>27.7.5.2 Subdivision failing to comply with the 380m² minimum lot size for subdivision within the Hanley Downs part of the Jacks Point Zone.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; and l. ecological and natural values; m. historic heritage; n. easements; o. location and height of buildings, or parts of buildings, including windows; p. configuration of parking, access and landscaping. 	RD
	<p>27.7.5.3 Subdivision within the OSR-North Activity Area of the Jacks Point Zone that does not, prior to application for subdivision consent being made:</p> <ul style="list-style-type: none"> a. provide to the Council noise modelling data that identifies the 55dB Ldn noise contour measured, predicted and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning and NZS 6801:2008 Acoustics – Measurement of Environmental Sound, by a person suitably qualified in acoustics, based on any consented operations from the airstrip on Lot 8 DP443832; and b. register a consent notice on any title the subject of subdivision that includes land that is located between the 55 dB Ldn contour and the airstrip preventing any ASAN from locating on that land. 	NC

	Zone and Location Specific Rules	Activity Status
27.7.6	<p>Millbrook Resort Zone</p> <p>27.7.6.1 Any subdivision of the Millbrook Resort Zone that is inconsistent with the Millbrook Resort Zone Structure Plan contained in Section 27.13.</p>	D
27.7.7	<p>Coneburn Industrial</p> <p>27.7.7.1 Subdivision not in general accordance with the Coneburn Industrial Structure Plan located in Section 27.13.</p> <p>For the purposes of this rule:</p> <ol style="list-style-type: none"> a. any fixed connections (road intersections) shown on the Structure Plan may be moved no more than 20 metres; b. any fixed roads shown on the Structure Plan may be moved no more than 50 metres in any direction; c. the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres. 	NC
	<p>27.7.7.2 Subdivision failing to comply with any of the following:</p> <ol style="list-style-type: none"> a. consent must have been granted under Rule 44.4.10 for landscaping of the Open Space Area shown on the Structure Plan in accordance with an Ecological Management Plan prior to lodgement of the subdivision application; b. subdivision of more than 10%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 25% of the Open Space Area shown on the Structure Plan; c. subdivision of more than 25%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 50% of the Open Space Area shown on the Structure Plan; d. subdivision of more than 50%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 100% of the Open Space Area shown on the Structure Plan. 	NC
	<p>27.7.7.3 Subdivision whereby prior to the issue of a s224(c) certification under the Act for any subdivision of any land within the zone:</p> <ol style="list-style-type: none"> a. prior to the Northern Access Point being constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and being available for public use every subdivision of any land within the zone must contain a condition requiring that the Northern Access Point be constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and be available for public use prior to issue of a s.224(c) certificate; b. any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a condition requiring the construction of the Southern Access Point as a Priority T intersection (Austroads Guide to Road Design (Part 4A)) and that it be available for public use prior to issue of a s.224(c) certificate, unless the Southern Access Point has been constructed and is available for public use at the time the consent is granted. 	NC

	Zone and Location Specific Rules	Activity Status
27.7.8	<p>West Meadows Drive</p> <p>27.7.8.1 Subdivision of lots zoned Lower Density Suburban Residential at the western end of West Meadows Drive identified in Section 27.13.6 which is consistent with the West Meadows Drive Structure Plan in Section 27.13.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the matters of control listed under Rule 27.7.1; and b. roading layout. 	C
	<p>27.7.8.2 Subdivision of lots zoned Lower Density Suburban Residential at the western end of West Meadows Drive identified in Section 27.13.6 that is inconsistent with the West Meadows Drive Structure Plan in Section 27.13.</p>	D
27.7.9	<p>Frankton North</p> <p>27.7.9.1 All subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that complies with the following standards in addition to the requirements of Rule 27.5.7:</p> <ul style="list-style-type: none"> a. access to the wider roading network shall only be via one or more of: <ul style="list-style-type: none"> i. Hansen Road; ii. Ferry Hill Drive; and/or iii. Hawthorne Drive/State Highway 6 roundabout. b. no subdivision shall be designed so as to preclude an adjacent site complying with clause a. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. safe and effective functioning of the State Highway network; b. integration with other access points through the zones to link up to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/State Highway 6 roundabout; c. integration with pedestrian and cycling networks, including those across the State Highway. 	RD
	<p>27.7.9.2 Any subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that does not comply with Rule 27.7.9.1.</p>	NC

Ferry Hill Rural Residential sub-zone

- 27.8.6.1** Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- 27.8.6.2** Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.
- 27.8.6.3** Any application for subdivision consent shall:
- a. provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;
 - b. be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;
 - c. be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:
 - i. that the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and
 - ii. that residential development is subject to screening along Tucker Beach Road.
- 27.8.6.4** Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.
- 27.8.6.5** Plantings elsewhere may include maple as well as indigenous species.
- 27.8.6.6** The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- 27.8.6.7** Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- 27.8.6.8** Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act⁶.

⁶ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

- 27.7.10** In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m² in area and not greater than 1000m² in area.
- Rural Zone;
 - Gibbston Character Zone;
 - Rural Lifestyle Zone;

- 27.7.11** The dimensions of lots in the following zones, other than for access, utilities, reserves or roads, shall be able to accommodate a square of the following dimensions:

Zone		Minimum Dimensions (m = Metres)
Residential	Medium Density	12m x 12m
	Large Lot	30m x 30m
	All others	15m x 15m
Rural Residential	Rural Residential (inclusive of sub-zones)	30m x 30m

- 27.7.12** Subdivision applications not complying with either Rule 27.7.10 or Rule 27.7.11 shall be non-complying activities.

27.7.13 Subdivision associated with infill development

The specified minimum allotment size in Rule 27.6.1, and minimum dimensions in Rule 27.11 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Lower Density Suburban Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

27.7.14 Subdivision associated with residential development on sites less than 450m² in the Lower Density Suburban Residential Zone

- 27.7.14.1** In the Lower Density Suburban Residential Zone, the specified minimum allotment size in Rule 27.6.1 shall not apply in cases where the residential units are not established, providing;
- a certificate of compliance is issued for a residential unit(s); or
 - a resource consent has been granted for a residential unit(s).

In addition to any other relevant matters pursuant to s221 of the Act, the consent holder shall register on the Computer Freehold Register of the applicable allotments:

- a. that the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or resource consent (applies to the additional undeveloped lot to be created);
- b. the maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).
- c. there shall be not more than one residential unit per lot (applies to all lots).

27.7.14.2 Rule 27.7.14.1 shall not apply to the Lower Density Suburban Residential Zone within the Queenstown Airport Air Noise Boundary and Outer Control Boundary as shown on the planning maps.

27.7.15 Standards related to servicing and infrastructure

Water

27.7.15.1 Subject to Rule 27.15.3, all lots, other than lots for access, roads, utilities and reserves except where irrigation is required, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:

To a Council or community owned and operated reticulated water supply:

- a. all Residential, Business, Town Centre, Local Shopping Centre Zones, and Airport Zone - Queenstown;
- b. Rural Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes;
- c. Millbrook Resort Zone and Waterfall Park Zone.

27.7.15.2 Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.

27.7.15.3 Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.

Telecommunications/Electricity

27.7.15.4 Electricity reticulation must be provided to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).

27.7.15.5 Telecommunication services must be available to all allotments in new subdivisions in the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

27.7.15.6 Telecommunication reticulation must be provided to all allotments in new subdivisions in zones other than the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

27.8

Rules - Esplanade Reserve Exemptions

27.8.1

Esplanade reserves or strips shall not be required where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve or in the case of activities authorised by Rule 27.5.2.

27.9

Assessment Matters for Resource Consents

27.9.1 Boundary Adjustments

In considering whether or not to impose conditions in respect to boundary adjustments under Rule 27.5.3 and in considering whether or not to grant consent or impose conditions in respect to boundary adjustments under 27.5.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.1.1 Assessment Matters in relation to Rule 27.5.3 (Boundary Adjustments)

- a. whether the location of the proposed boundaries is appropriate, including in relation to their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;
- b. whether the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - i. is able to accommodate development in accordance with the relevant district-wide and zone rules; and
 - ii. the potential effects on the safety of pedestrians and cyclists and other users of the space or access;
- c. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and if so, the proposed means for their protection;
- d. the extent to which Policies 27.2.1.7, 27.2.3.2, 27.2.5.10, 27.2.5.11, 27.2.5.14 and 27.2.7.2 are achieved.

27.9.1.2 Assessment Matters in relation to Rule 27.5.4 (Boundary Adjustments involving Heritage Items and within Arrowtown’s urban growth boundary)

- a. whether the location of the proposed boundaries is appropriate, including in relation to their relationship to existing buildings and vegetation patterns and existing or proposed accesses;
- b. whether the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - i. is able to accommodate development in accordance with the relevant district-wide and zone rules; and
 - ii. the potential effects on the safety of pedestrians and cyclists and other users of the space or access;
- c. whether any landscape features or vegetation, including mature trees, on the site are of a sufficient amenity value that they should be retained and, if so, the proposed means for their protection;
- d. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.
- e. where lots are being amalgamated within the Medium Density Residential Zone and Lower Density Suburban Residential Zone, the extent to which future development will affect the historic character of the Arrowtown Residential Historic Management Zone;
- f. the extent to which Policies 27.2.1.7, 27.2.3.2, 27.2.4.2, 27.2.4.4, 27.2.5.10, 27.2.5.11, 27.2.5.14 and 27.2.7.2 are achieved.

27.9.2 Controlled Unit Title and Leasehold Subdivision Activities

In considering whether or not to impose conditions in respect to unit title or leasehold subdivision under Rule 27.5.5, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.2.1 Assessment Matters in relation to Rule 27.5.5 (Unit Title or Leasehold Subdivision)

- a. whether all buildings comply with an approved resource consent;
- b. whether the location of the proposed boundaries is appropriate, including in relation to their relationship to existing buildings and existing or proposed accesses;
- c. whether the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - i. is able to accommodate development in accordance with the relevant district-wide and zone rules; and
 - ii. the potential effects the safety of pedestrians and cyclists and other users of the space or access;
- d. the effects of and on infrastructure provision;
- e. The extent to which Policies 27.2.1.7, 27.2.3.1, 27.2.3.2, 27.2.5.10, 27.2.5.11 and 27.2.5.14 are achieved.

27.9.3 Restricted Discretionary Activity Subdivision Activities

In considering whether or not to grant consent or impose conditions under Rules 27.5.7 and 27.5.8, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.3.1 Assessment Matters in relation to Rule 27.5.7 (Urban Subdivision Activities)

- a. whether lot sizes and dimensions are appropriate in respect of widening, formation or upgrading of existing and proposed roads and any provisions required for access for future subdivision on adjoining land;
- b. consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;
- c. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;
- d. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;
- e. whether the location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways is appropriate, including as regards their safety and efficiency;
- f. the extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
- g. whether the purposes for the creation of esplanade reserves or strips set out in section 229 of the Act are achieved;
- h. whether services are to be provided in accordance with Council's Code of Practice for Subdivision
- i. whether effects on electricity and telecommunication networks are appropriately managed;
- j. whether appropriate easements are provided for existing and proposed access and services.
- k. the extent to which Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.4, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.11, 27.2.5.14, 27.2.5.16 and 27.2.6.1 are achieved.

27.9.3.2 Assessment Matters in relation to Rule 27.5.8 (Rural Residential and Rural Lifestyle Subdivision Activities)

- a. the extent to which the design maintains and enhances rural living character, landscape values and visual amenity;
- b. the extent to which the location and size of building platforms could adversely affect adjoining non residential land uses;
- c. whether and what controls are required on buildings within building platforms to manage their external appearance or visibility from public places, or their effects on landscape character and visual amenity;
- d. the extent to which lots have been orientated to optimise solar gain for buildings and developments;
- e. whether lot sizes and dimensions are appropriate in respect of widening, formation or upgrading of existing and proposed roads and any provision required for access for future subdivision on adjoining land.

- f. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;
- g. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;
- h. whether the location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways is appropriate, including as regards their safety and efficiency;
- i. the extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
- j. whether the purposes for the creation of esplanade reserves or strips set out in section 229 of the Act are achieved;
- k. whether services are to be provided in accordance with Council's Code of Practice for Subdivision;
- l. whether effects on electricity and telecommunication networks are appropriately managed;
- m. whether appropriate easements are provided for existing and proposed access and services;
- n. where no reticulated water supply is available, whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is provided.
- o. the extent to which Policies 27.2.1.2, 27.2.4.4, 27.2.5.4, 27.2.5.5, 27.2.5.10, 27.2.5.11, 27.2.5.14, 27.2.5.16 and 27.2.6.1 are achieved.

27.9.5 Restricted Discretionary Activity - Subdivision Activities within National Grid Corridor

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.10, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.5.1 Assessment Matters in relation to Rule 27.5.10. (National Grid Corridor)

- a. whether the allotments are intended to be used for residential or commercial activity;
- b. the need to identify a building platform to ensure future buildings are located outside the National Grid Yard;
- c. the ability of future development to comply with NZECP34:2001;
- d. potential effects of the location and planting of vegetation on the National Grid;
- e. whether the operation, maintenance and upgrade of the National Grid is restricted;
- f. the extent to which Policy 27.2.2.8 is achieved.

27.9.6 Controlled Subdivision Activities – Structure Plan

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan under Rules 27.7.1 and 27.7.2.1, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.6.1 Assessment Matters in relation to Rule 27.7.1

- a. consistency with the relevant location specific objectives and policies in part 27.3;
- b. the extent and effect of any minor inconsistency or variation from the relevant structure plan.

27.9.6.2 Assessment Matters in relation to Rule 27.7.2.1 (Kirimoko)

- a. the assessment criteria identified under Rule 27.7.1;
- b. the appropriateness of any earthworks required to create any road, vehicle accesses, of building platforms or modify the natural landform;
- c. the appropriateness of the design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways);
- d. whether provision is made for creation and planting of road reserves
- e. whether walkways and the green network are provided and located as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;
- f. whether native species are protected as identified on the Structure Plan as green network;
- g. The extent to which Policies 27.3.2.1 to 27.3.2.10 are achieved.

27.9.7 Restricted Discretionary Activity-Subdivision Activities within the Jacks Point Zone

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rule 27.7.5.2, the Council shall have regard to, but not be limited by, the following assessment criteria:

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

- a. the assessment criteria identified under Rule 27.7.1 as it applies to the Jacks Point Zone;
- b. the visibility of future development from State Highway 6 and Lake Wakatipu;
- c. the appropriateness of the number, location and design of access points;
- d. the extent to which nature conservation values are maintained or enhanced;
- e. the adequacy of provision for creation of open space and infrastructure;
- f. the extent to which Policy 27.3.7.1 is achieved;
- g. the extent to which sites are configured:

- i. with good street frontage;
 - ii. to enable sunlight to existing and future residential units;
 - iii. to achieve an appropriate level of privacy between homes.
 - h. the extent to which parking, access and landscaping are configured in a manner which:
 - i. minimises the dominance of driveways at the street edge;
 - ii. provides for efficient use of the land;
 - iii. maximises pedestrian and vehicular safety;
 - iv. addresses nuisance effects such as from vehicle lights.
 - i. the extent to which subdivision design satisfies:
 - i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
 - j. whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.

27.9.8 Controlled Activity-Subdivision Activities on West Meadows Drive

In considering whether or not to impose conditions in respect to subdivision activities under Rule **27.7.8.1**, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.8.1 Assessment Matters in relation to Rule 27.7.8.1

- a. the assessment criteria identified under Rule 27.7.1 as they apply to the West Meadows Drive area.
- b. the extent to which the roading layout integrates with the operation of West Meadows Drive as a through-road.

27.10

Rules - Non-Notification of Applications

Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:

- a. where the site adjoins or has access onto a State Highway;
- b. where the Council is required to undertake statutory consultation with iwi;
- c. where the application falls within the ambit of Rule 27.5.4;
- d. where the application falls within the ambit of Rule 27.5.10 and the written approval of Transpower New Zealand Limited has not been obtained to the application.

27.11

Advice Notes

27.11.1 State Highways

27.11.1.1 Attention is drawn to the need to obtain a Section 93 notice from the New Zealand Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR as at August 2015. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

27.11.2 Esplanades

27.11.2.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7. Unless otherwise stated, section 230 of the Act applies to the standards and process for creation of esplanade reserves and strips.

27.11.3 New Zealand Electrical Code of Practice for Electrical Safe Distances

27.11.3.1 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

27.12

Financial Contributions

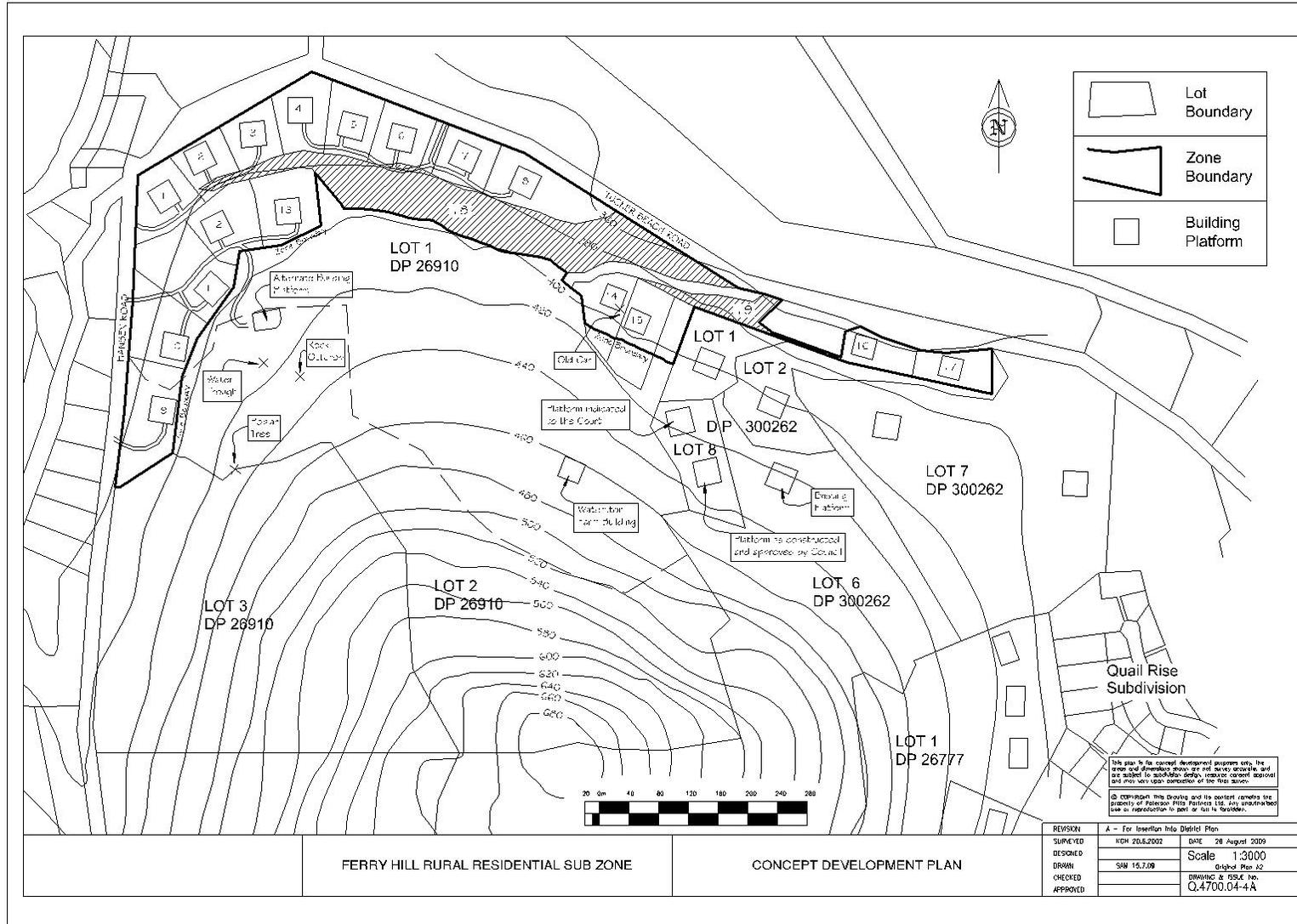
The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

27.13

Structure Plans

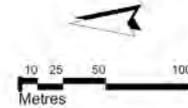
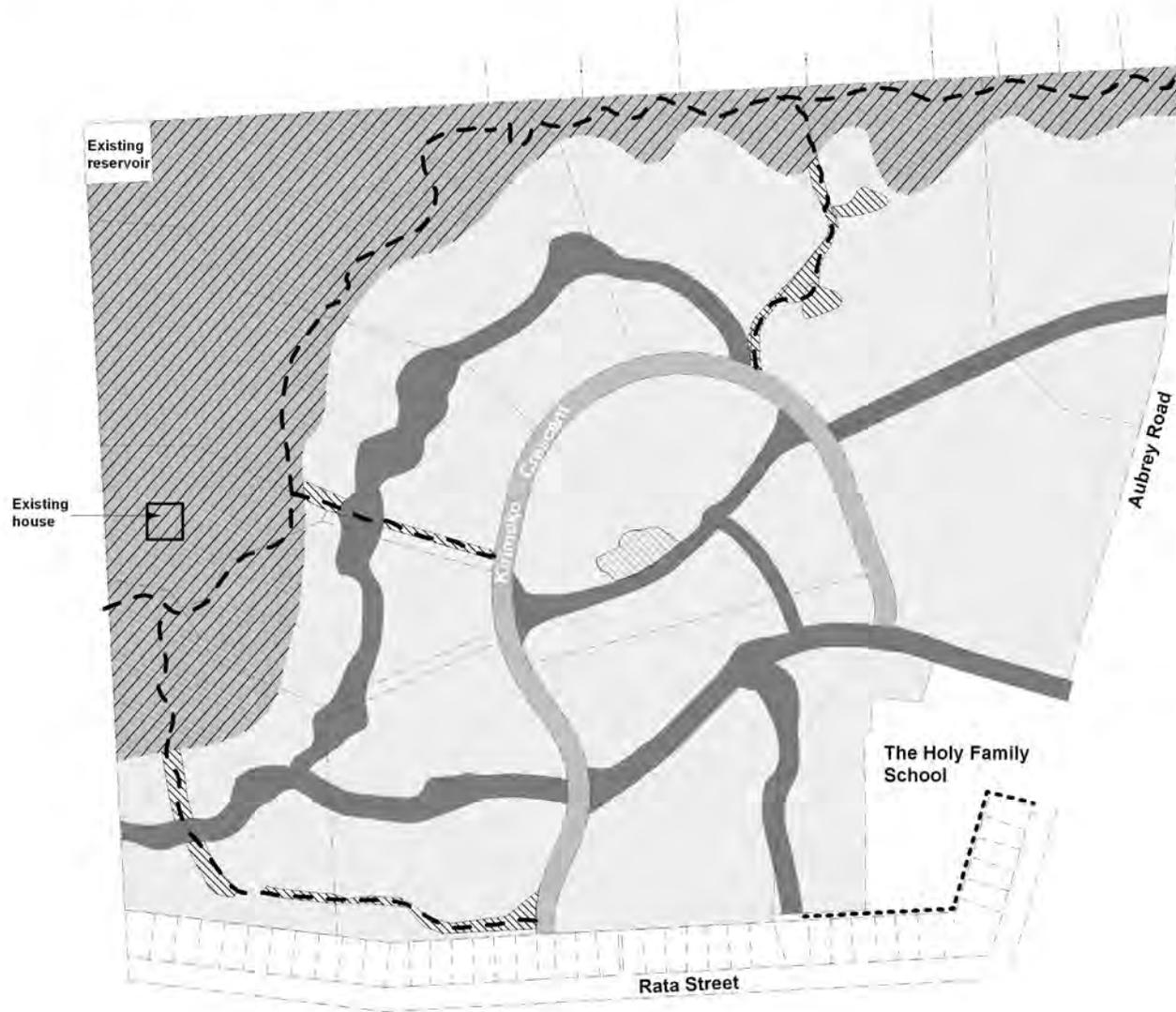
Ferry Hill Rural Residential Subzone⁶



⁶ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

27.13.1 Kirimoko Structure Plan

Kirimoko Block - Wanaka - Structure Plan



1:3500 @ A3 - 1:5000 @ A4

Key	
Zones	
[Light Grey Box]	Low Density Residential
[Medium Grey Box]	Rural General Zoning
[Dark Grey Box]	Road Reserves
[Hatched Box]	Green Network
[Diagonal Hatched Box]	Building restriction area
[Dashed Line]	Designated Walkway Corridor (The Holy Family School)
[Dashed Line]	Walkways
[Thin Solid Line]	Cadastral Boundaries

October 2007 Revision C
(Following submissions to QLDC)

27.13.2 Jacks Point Structure Plan

Jacks Point Resort Zone Structure Plan

LEGEND

-  Outstanding Natural Landscape Line
-  Activity Area
-  Public Access Route (location indicative)
-  Secondary Road Access (location indicative)
-  Primary Road Access (location indicative)
-  Key Road Connections (location indicative)
-  State Highway Mitigation

OVERLAYS

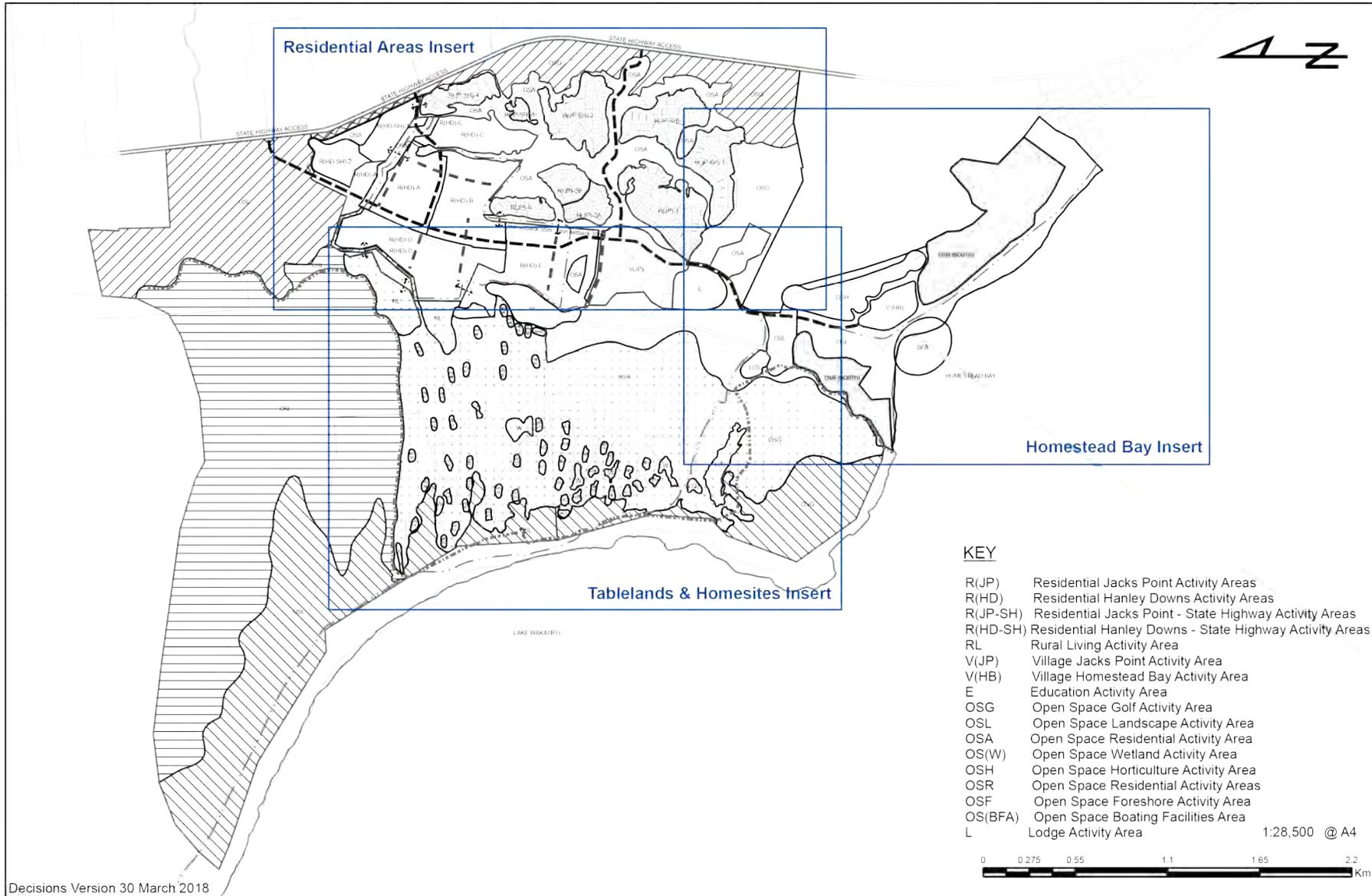
-  Highway Landscape Protection Area
-  Peninsula Hill Landscape Protection Area
-  Lake Shore Landscape Protection Area
-  Tablelands Landscape Protection Area

KEY

- R(JP) Residential Jacks Point Activity Areas
- R(HD) Residential Hanley Downs Activity Areas
- R(JP-SH) Residential Jacks Point - State Highway Activity Areas
- R(HD-SH) Residential Hanley Downs - State Highway Activity Areas
- RL Rural Living Activity Area
- V(JP) Village Jacks Point Activity Area
- V(HB) Village Homestead Bay Activity Area
- E Education Activity Area
- OSG Open Space Golf Activity Area
- OSL Open Space Landscape Activity Area
- OSA Open Space Residential Activity Area
- OS(W) Open Space Wetland Activity Area
- OSH Open Space Horticulture Activity Area
- OSR Open Space Residential Activity Areas
- OSF Open Space Foreshore Activity Area
- OS(BFA) Open Space Boating Facilities Area
- L Lodge Activity Area

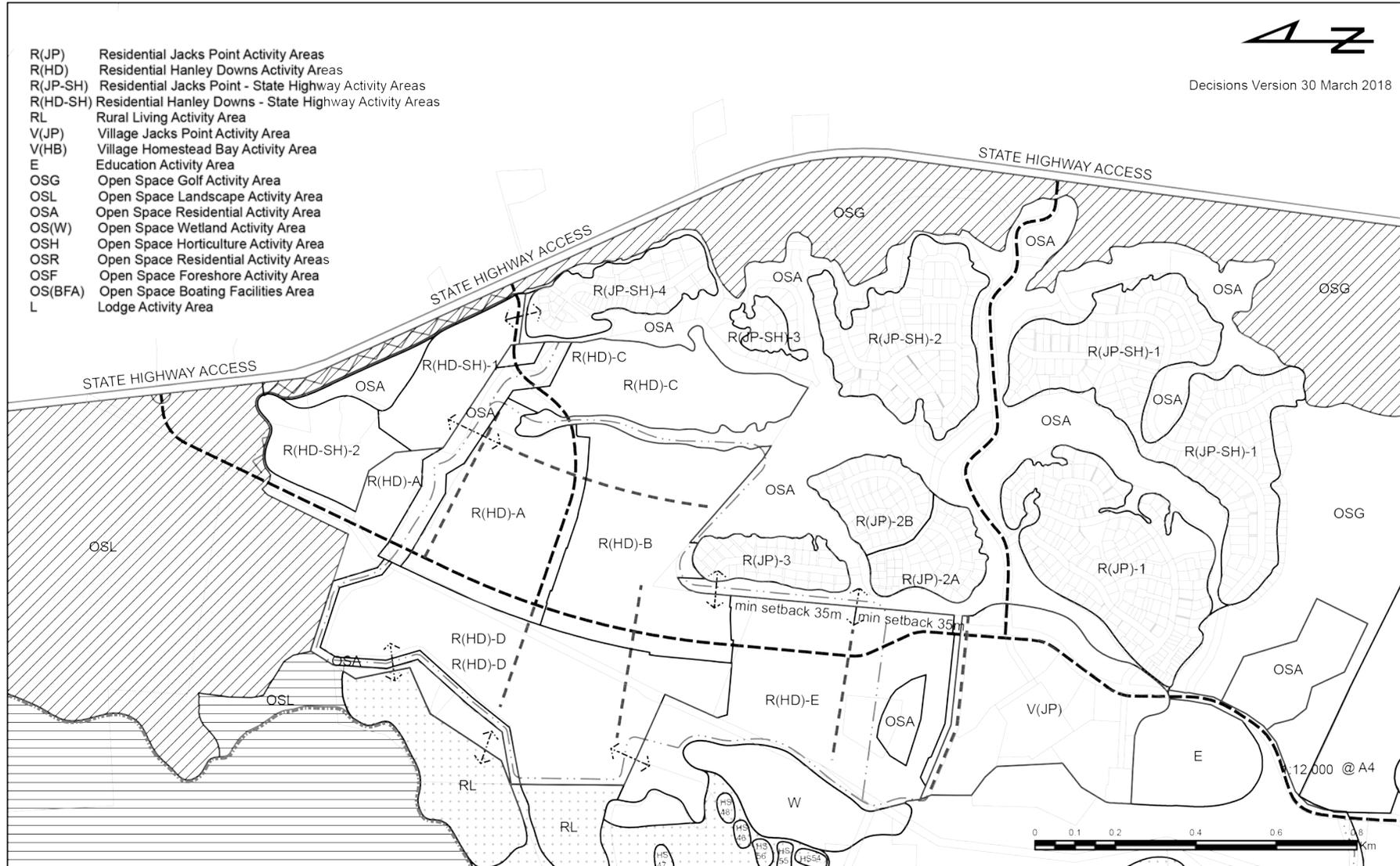
Decisions Version 30 March 2018

Jacks Point Resort Zone Structure Plan



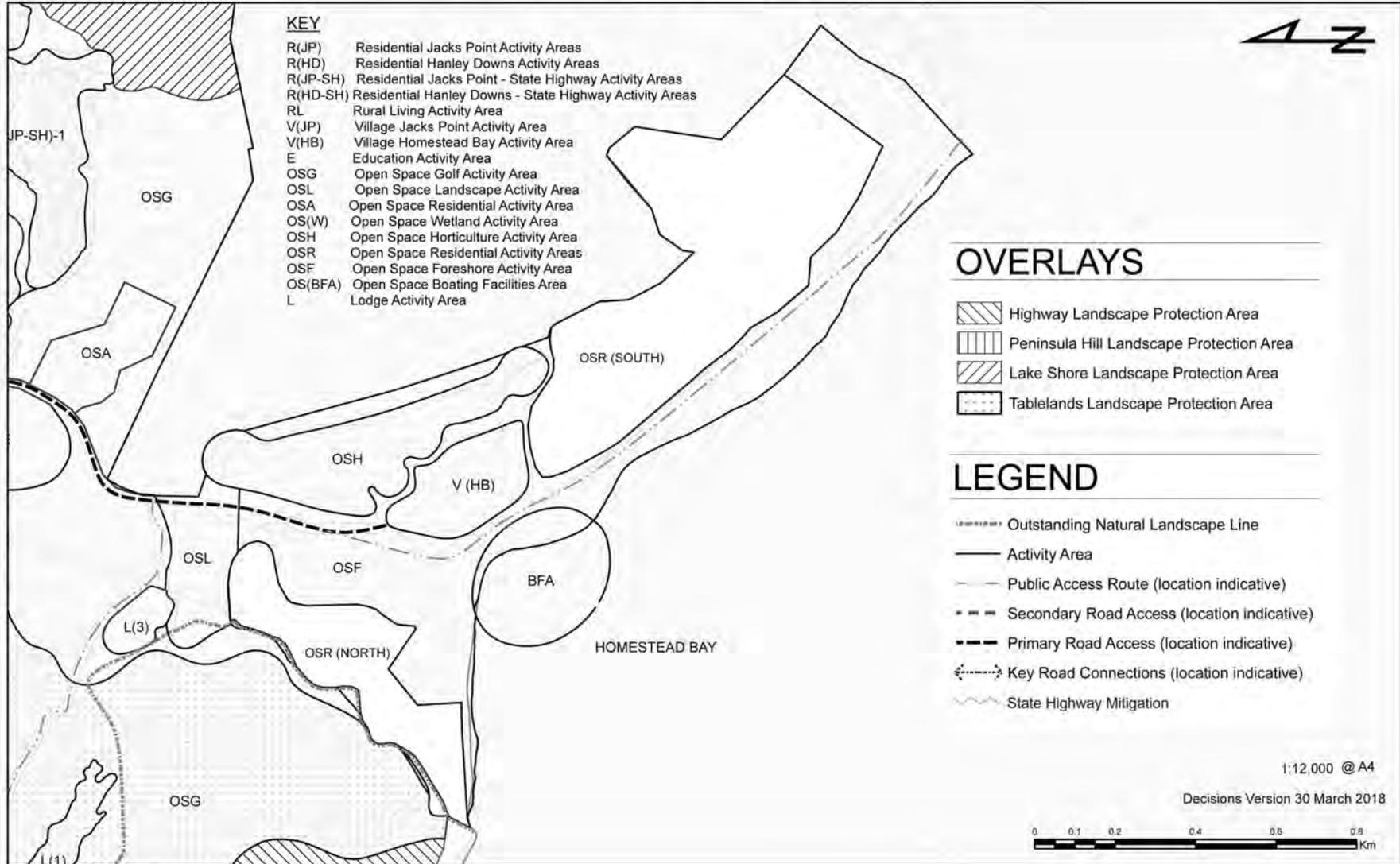
Decisions Version 30 March 2018

Jacks Point Resort Zone Structure Plan Residential Areas Insert

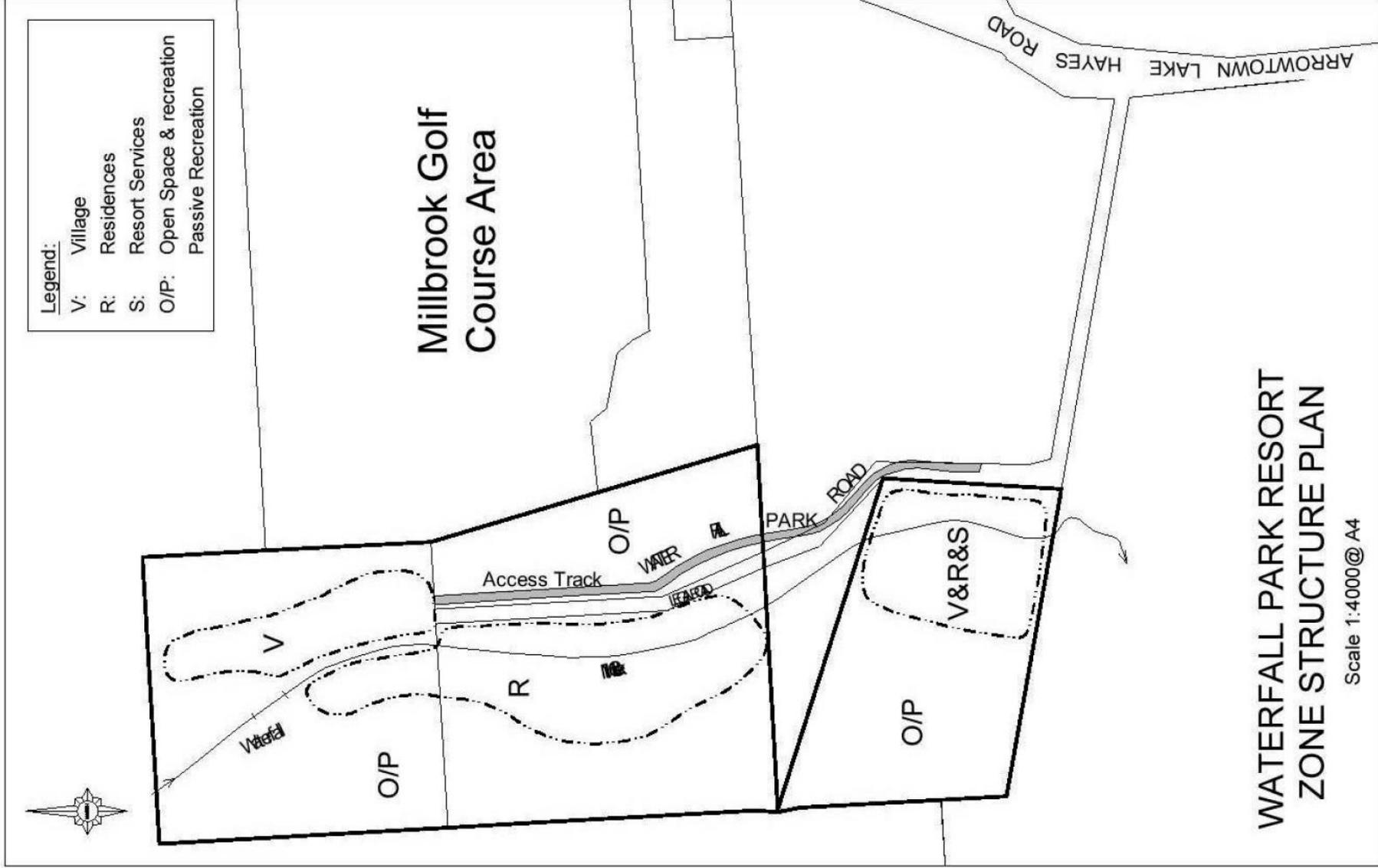


Decisions Version 30 March 2018

Jacks Point Resort Zone Structure Plan Homestead Bay Insert



27.13.3 Waterfall Park Structure Plan



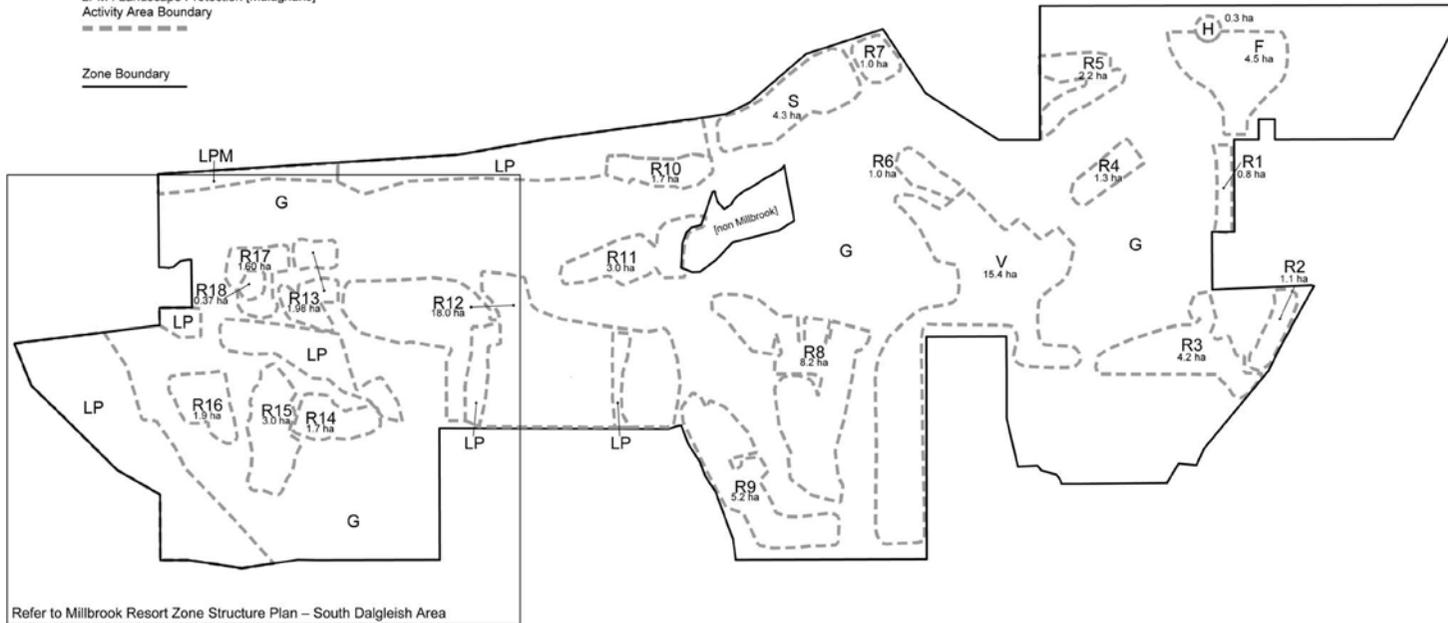
27.13.4 Millbrook Structure Plan



Structure Plan Legend

- R : Residential
- V : Village
- F : Recreational Facilities
- S : Resort Services
- G : Golf Course and Open Space
- H : Helipad
- LP : Landscape Protection
- LPM : Landscape Protection [Malaghans]
- Activity Area Boundary

Zone Boundary



Refer to Millbrook Resort Zone Structure Plan – South Dalglish Area

MILLBROOK RESORT ZONE - STRUCTURE PLAN

REFERENCE 2423-SK40 - SCALE = 1:5000 AT A1 - 1:10000 AT A3 - 31 Aug 2017

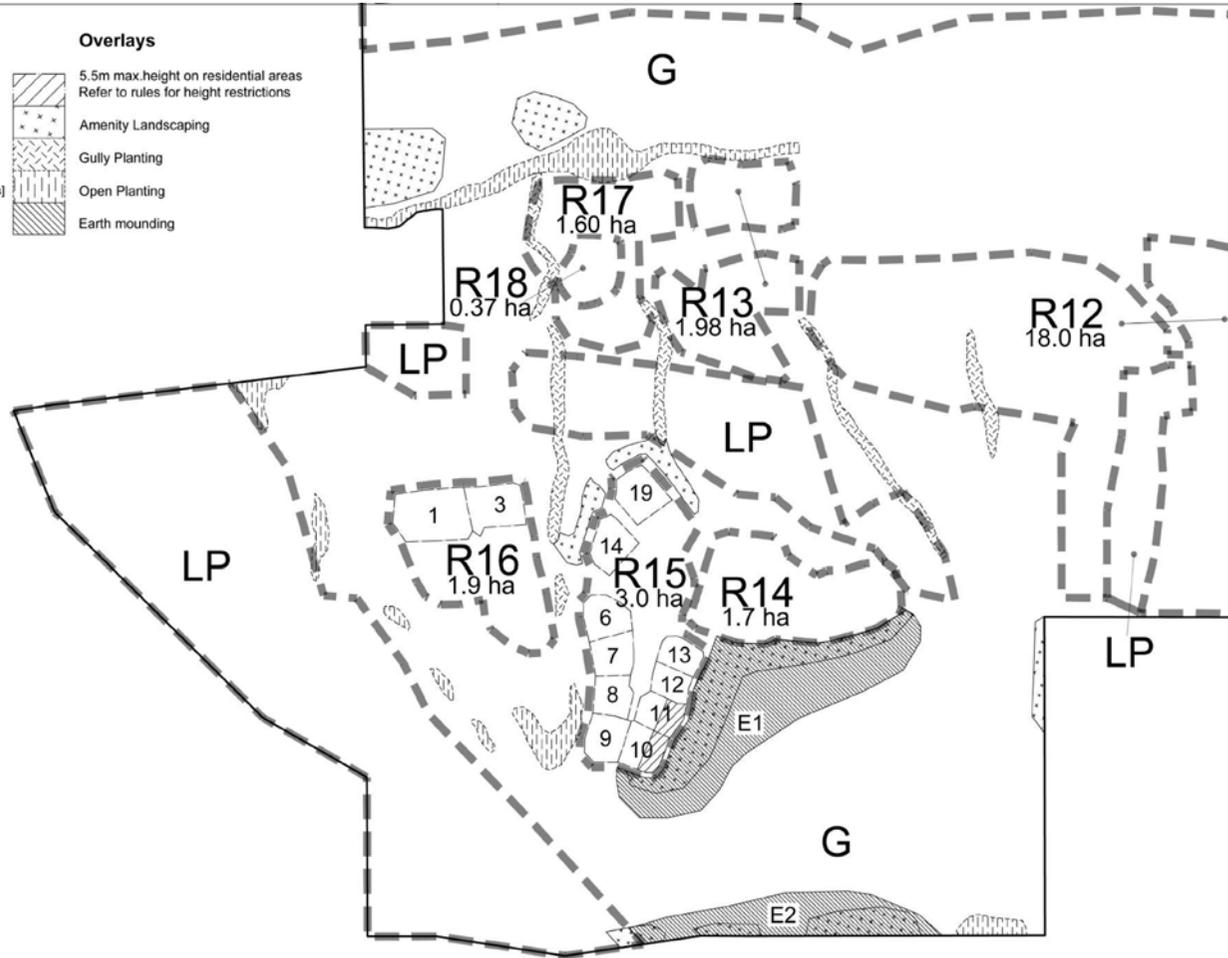


Structure Plan Legend

- R : Residential
- V : Village
- F : Recreational Facilities
- S : Resort Services
- G : Golf Course and Open Space
- H : Helipad
- LP : Landscape Protection
- LPM : Landscape Protection (Malaghans)
- Activity Area Boundary
- Indicative Residential Site Boundary
- Zone Boundary

Overlays

-  5.5m max height on residential areas
Refer to rules for height restrictions
-  Amenity Landscaping
-  Gully Planting
-  Open Planting
-  Earth mounding



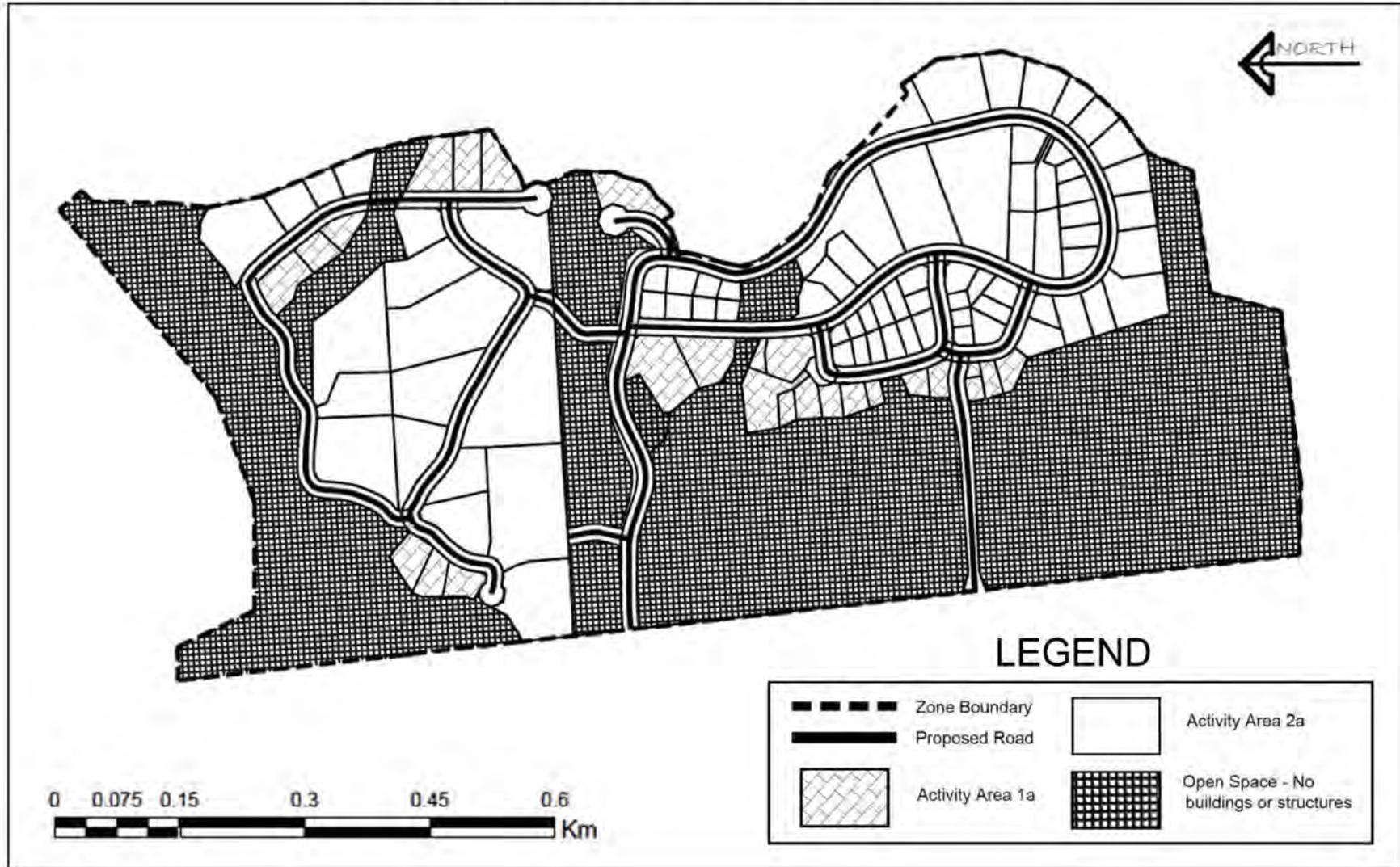
MILLBROOK RESORT ZONE - STRUCTURE PLAN – SOUTH DALGLEISH AREA

REFERENCE 2423-SK65 - SCALE = 1:2000 AT A1 - 1:4000 AT A3 - 31 Aug 2017

27.13.5 Coneburn Industrial Structure Plan

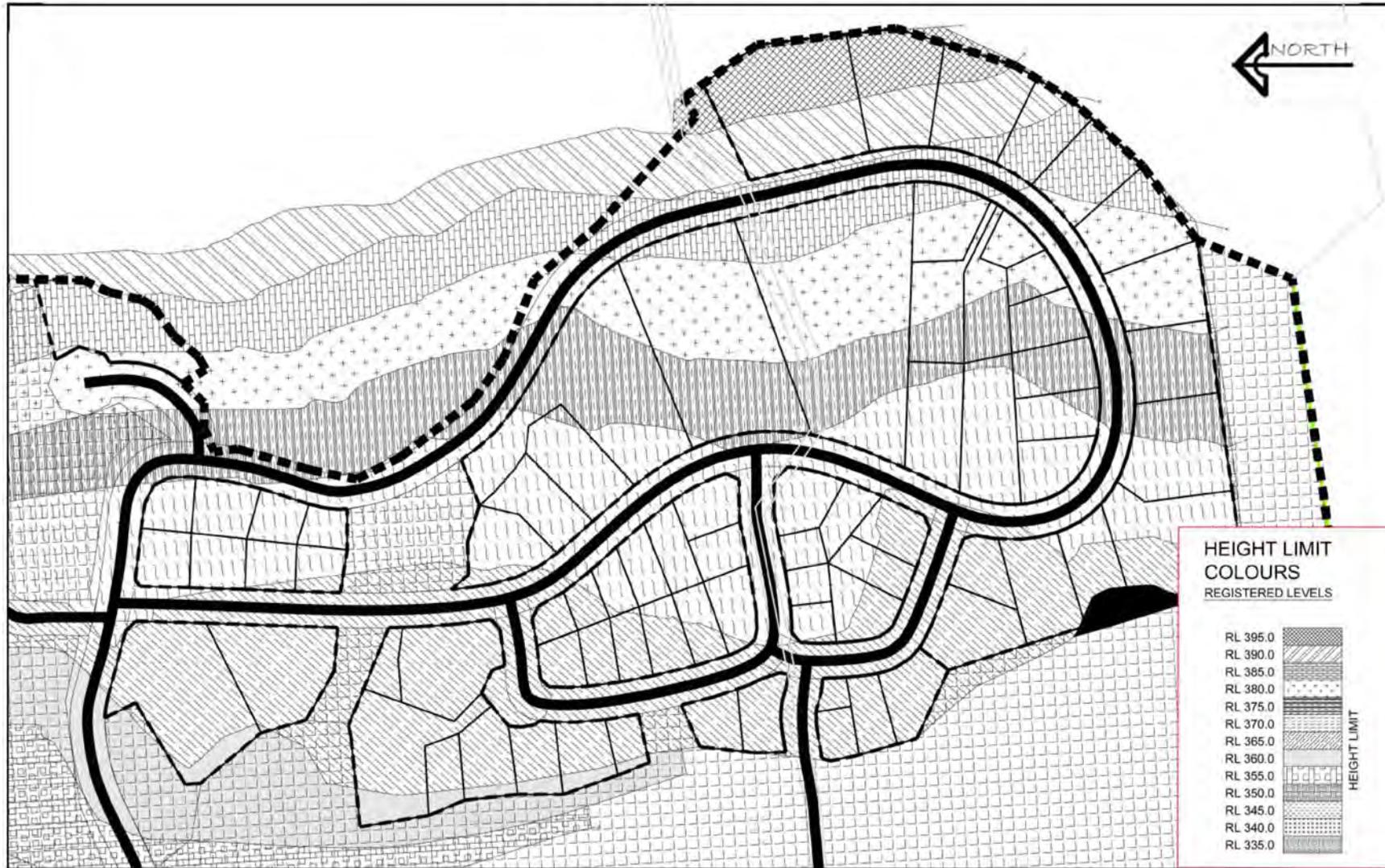
Coneburn Structure Plan

Layout of Activity Areas, Roads and Open Space



Coneburn Structure Plan

Building Height Limits: Part 1



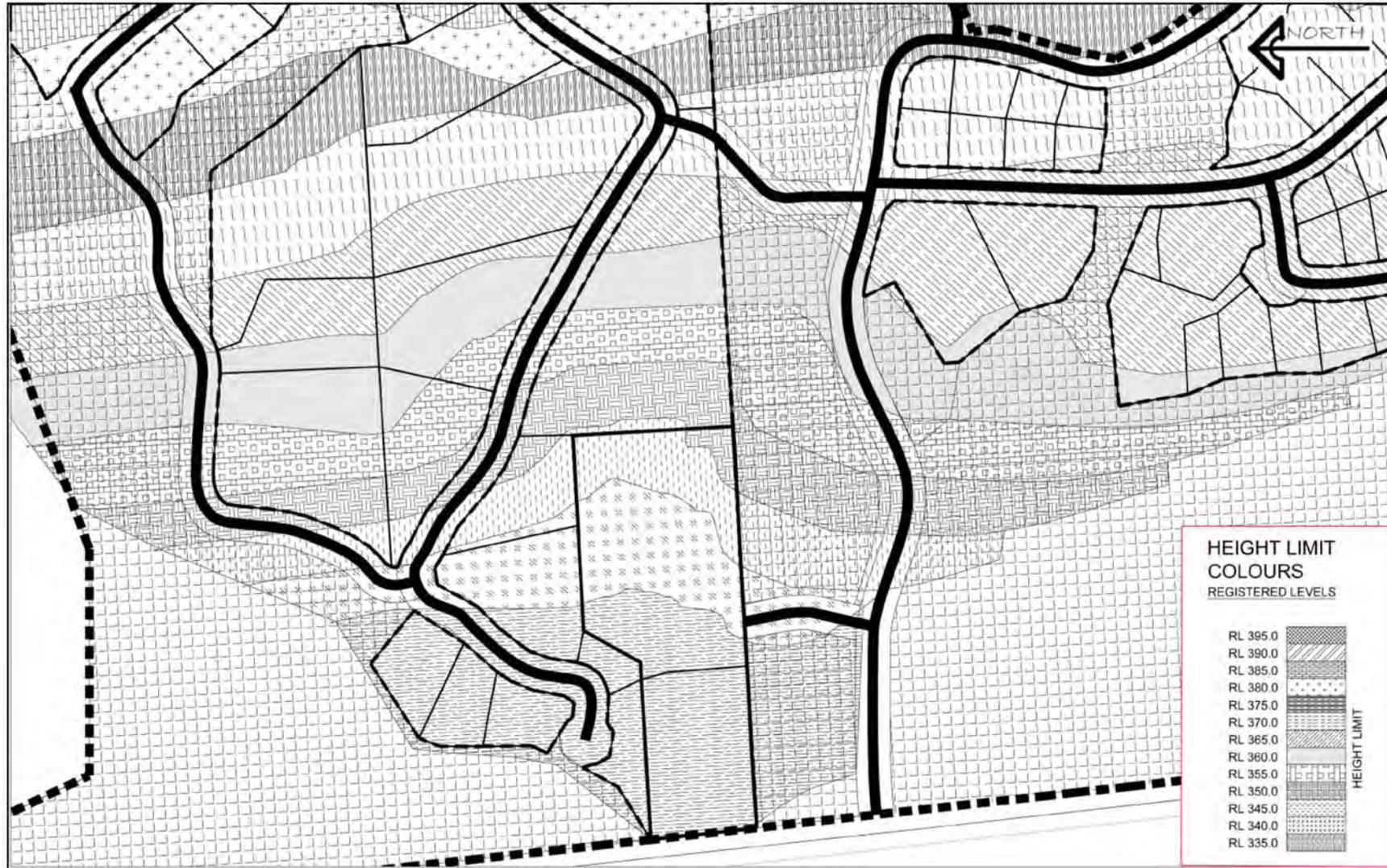
Coneburn Structure Plan

Building Height Limits: Part 2



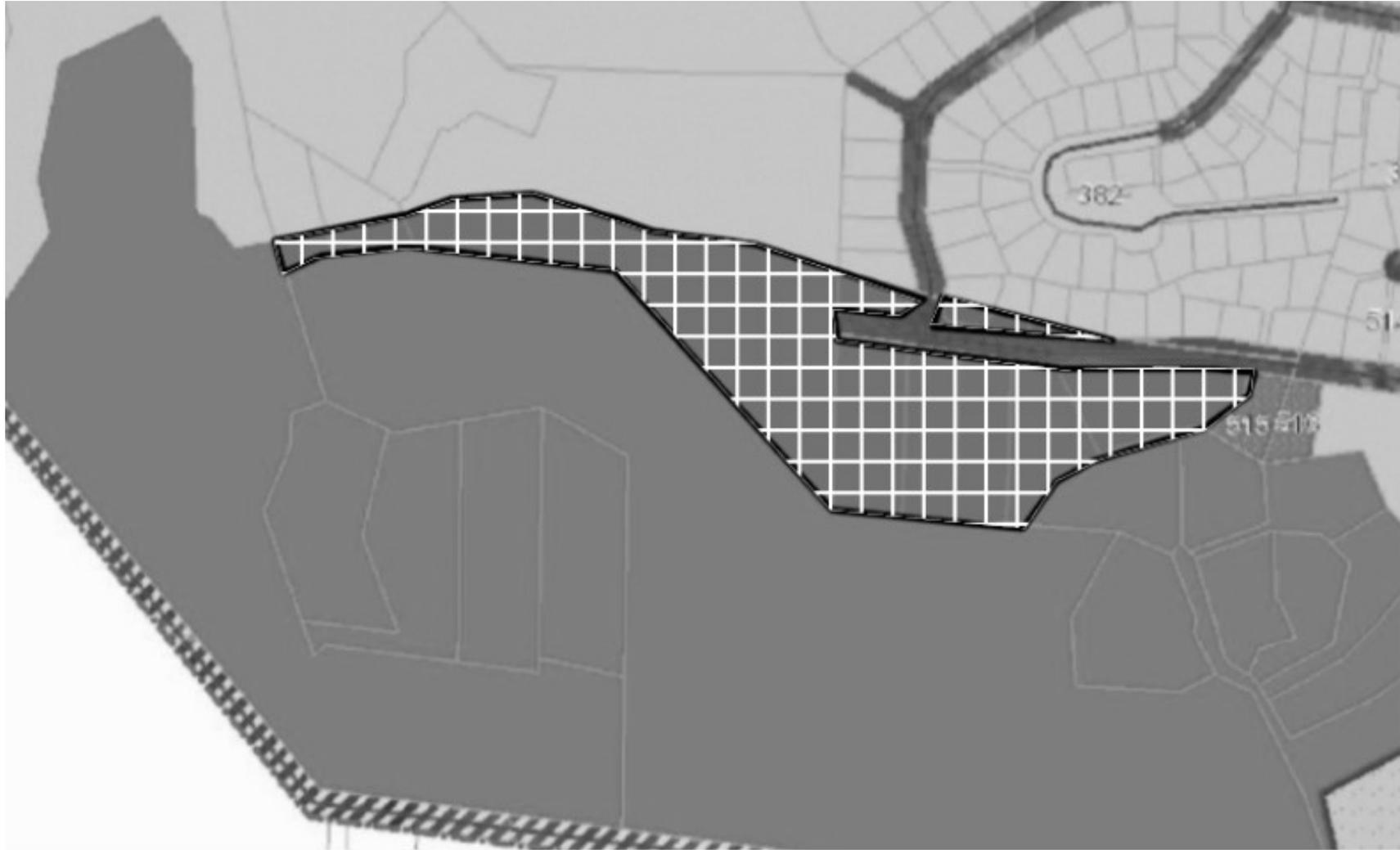
Coneburn Structure Plan

Building Height Limits: Part 3

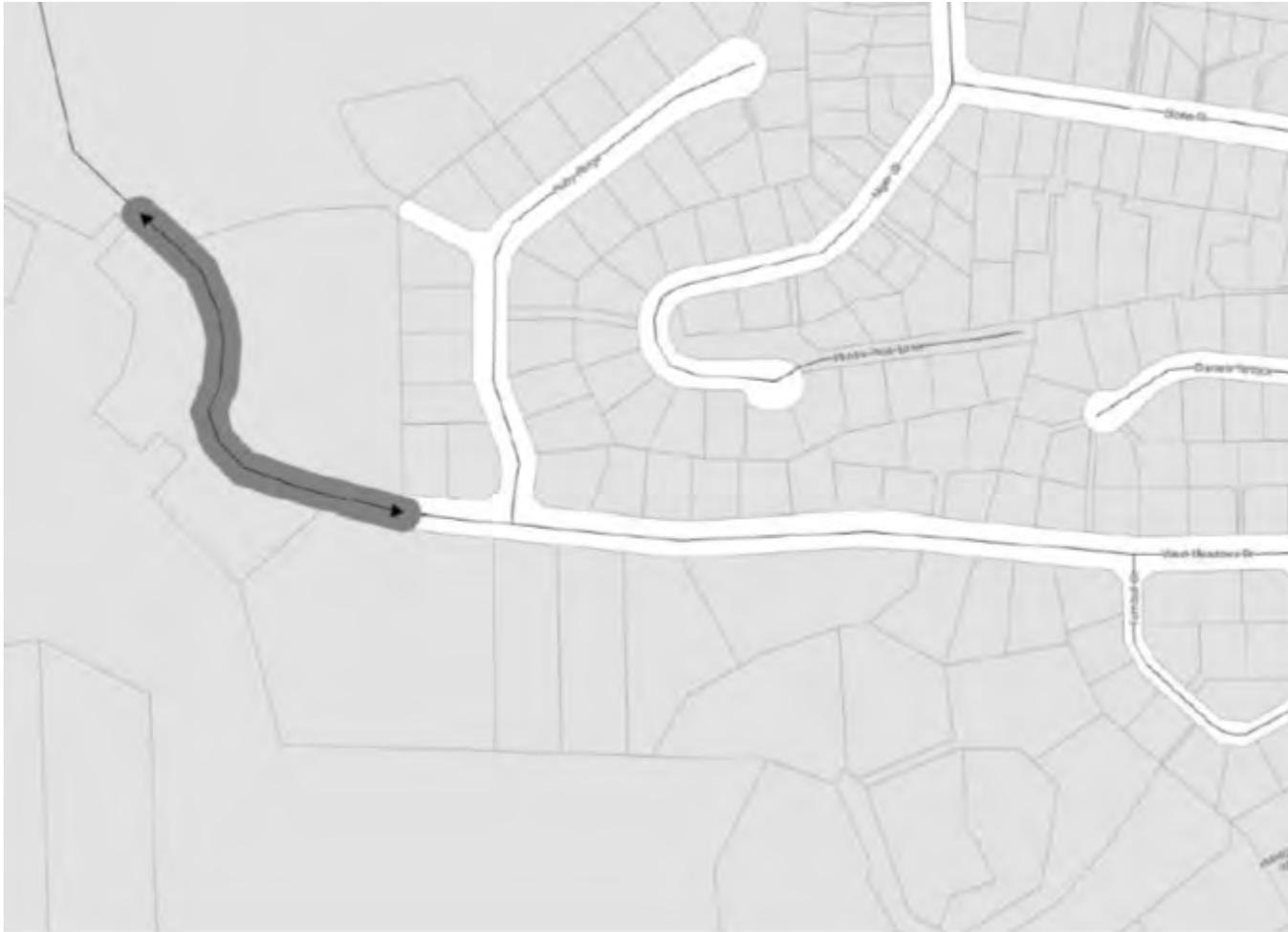


27.13.6 West Meadows Drive Structure Plan

Area of Lower Density Suburban Residential zoned land the subject of the West Meadows Structure Plan



West Meadows Drive Structure Plan



Appendix 2 – Recommendations on Submissions and Further Submissions

Part A: Submissions

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
21.49	Alison Walsh	Accept in Part	General
21.50	Alison Walsh	Accept in Part	3.1
21.51	Alison Walsh	Accept in Part	4.1-4.13
21.53	Alison Walsh	Accept in Part	7.1-7.4, 8.1-8.12
21.54	Alison Walsh	Accept in Part	7.1-7.4, 8.1-8.12
21.56	Alison Walsh	Accept in Part	8.6
21.57	Alison Walsh	Accept in Part	8.11
21.58	Alison Walsh	Accept in Part	8.11
38.4	Stewart Mahon	Reject	8.1
65.1	John Blennerhassett	Accept in Part	2.1
65.3	John Blennerhassett	Accept in Part	5.3
74.1	QLDC rates payer	Accept in Part	2.1
74.3	QLDC rates payer	Accept in Part	5.3
78.1	Jennie Blennerhassett	Accept in Part	2.1
87.1	Shelley McMeeken	Accept in Part	2.1
91.3	Orchard Road Holdings Limited	Accept in Part	2.1
91.3	Denise & John Prince	Accept in Part	2.1
98.5	Juie Q.T. Limited	Accept in Part	2.1
115.5	Florence Micoud	Reject	1.8
117.23	Maggie Lawton	Accept in Part	4.5
117.24	Maggie Lawton	Accept in Part	4.5, 4.6
117.25	Maggie Lawton	Reject	4.6
117.26	Maggie Lawton	Reject	4.6
117.27	Maggie Lawton	Reject	4.6
117.28	Maggie Lawton	Reject	4.6
117.29	Maggie Lawton	Accept in Part	4.6
117.9	Maggie Lawton	Reject	3.1
145.28	Upper Clutha Environmental Society (Inc)	Accept in Part	General
145.32	Upper Clutha Environmental Society (Inc)	Reject	1.7
145.6	Upper Clutha Environmental Society (Inc)	Accept in Part	General
150.3	Mount Crystal Limited	Accept in Part	2.1
157.3	Miles Wilson	Accept in Part	2.1
159.19	Karen Boulay	Accept in Part	2.1
166.11	Aurum Survey Consultants	Accept in Part	8.4
166.12	Aurum Survey Consultants	Reject	8.4
166.13	Aurum Survey Consultants	Accept	8.5
166.17	Aurum Survey Consultants	Reject	7.4
166.18	Aurum Survey Consultants	Accept in Part	7.4
166.19	Aurum Survey Consultants	Accept	8.2
166.7	Aurum Survey Consultants	Accept	General
166.8	Aurum Survey Consultants	Accept in Part	2.1
166.9	Aurum Survey Consultants	Accept in Part	7.4
169.10	Tim Proctor	Reject	8.4
169.8	Tim Proctor	Accept in Part	2.1, 8.4
169.9	Tim Proctor	Accept in Part	8.4
177.10	Universal Developments Limited	Accept in Part	2.1
179.11	Vodafone NZ	Accept in Part	4.6
179.12	Vodafone NZ	Reject	2.1
179.13	Vodafone NZ	Accept in Part	8.5
179.14	Vodafone NZ	Accept in Part	8.5

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
191.10	Spark Trading NZ Limited	Reject	2.1
191.11	Spark Trading NZ Limited	Accept in Part	8.5
191.12	Spark Trading NZ Limited	Accept in Part	8.5
191.9	Spark Trading NZ Limited	Accept in Part	4.6
208.35	Pounamu Body Corporate Committee	Accept	4.3
208.36	Pounamu Body Corporate Committee	Accept in Part	4.4
208.37	Pounamu Body Corporate Committee	Accept in Part	4.4
208.39	Pounamu Body Corporate Committee	Accept in Part	8.3
208.40	Pounamu Body Corporate Committee	Reject	8.4
219.7	Juie Q.T. Limited	Accept in Part	2.1, 8.8
238.10	NZIA Southern and Architecture + Women Southern	Reject	2.9
238.114	NZIA Southern and Architecture + Women Southern	Reject	4.2
238.115	NZIA Southern and Architecture + Women Southern	Reject	2.9
248.10	Shotover Trust	Accept in Part	4.2
248.8	Shotover Trust	Accept in Part	General
248.9	Shotover Trust	Accept in Part	4.1-4.13
249.14	Willowridge Developments Limited	Accept in Part	2.1
249.15	Willowridge Developments Limited	Accept in Part	2.1
262.1	Susan Cleaver	Accept in Part	2.1
265.5	Phillip Bunn	Accept in Part	2.1
269.1	David Barton	Accept in Part	General
271.18	Board of Airline Representatives of New Zealand (BARNZ)	Accept	8.1
272.3	Robert Devine	Reject	8.8
275.1	Robertson Family Trust	Reject	4.6
275.3	Robertson Family Trust	Reject	8.4
275.4	Robertson Family Trust	Accept in Part	8.8
277.1	Alexander Reid	Accept in Part	2.1
283.1	Sophie James	Accept in Part	2.1
285.15	Debbie MacColl	Accept in Part	2.1
285.16	Debbie MacColl	Reject	4.7
288.3	Barn Hill Limited	Accept in Part	3.1
289.18	A Brown	Accept in Part	4.6
289.19	A Brown	Accept in Part	4.6
289.20	A Brown	Reject	4.6
289.6	A Brown	Reject	4.6
289.7	A Brown	Reject	4.6
294.4	Steven Bunn	Accept in Part	2.1
313.2	John Langley	Accept in Part	4.3
313.5	John Langley	Accept in part	4.3
326.1	Wanaka Central Developments Ltd	Accept in Part	2.1
327.1	Lismore Estates Ltd	Accept in Part	2.1
327.1	Willowridge Developments Limited	Accept in Part	2.1
335.18	Nic Blennerhassett	Accept in Part	2.1
335.31	Nic Blennerhassett	Reject	5.3
335.32	Nic Blennerhassett	Accept	Section 8.10
336.4	Middleton Family Trust	Accept in Part	2.1
338.6	Middleton Family Trust	Accept in Part	2.1
339.68	Evan Alty	Accept in Part	4.5
339.69	Evan Alty	Accept in Part	4.5
339.70	Evan Alty	Accept in Part	4.5
339.71	Evan Alty	Accept in Part	4.5, 4.6
339.72	Evan Alty	Accept	4.5
340.2	Ros & Dennis Hughes	Accept in Part	4.6

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
345.13	(K)John McQuilkin	Accept in Part	2.1
350.7	Dalefield Trustee Ltd	Accept in Part	2.1
350.8	Dalefield Trustee Ltd	Accept in Part	7.4
354.4	Middleton Family Trust	Accept in Part	2.1
359.3	Manor Holdings Limited & Body Corporate 364937	Accept in Part	General
360.3	Stuart Clark	Accept in Part	2.1
367.5	John Borrell	Reject	8.3
370.2	Paterson Pitts Group	Accept in Part	4.2
370.3	Paterson Pitts Group	Accept in Part	4.4
370.4	Paterson Pitts Group	Accept in Part	4.6
370.5	Paterson Pitts Group	Accept in Part	4.9
370.6	Paterson Pitts Group	Accept in Part	6.7
370.7	Paterson Pitts Group	Accept in Part	8.4
370.8	Paterson Pitts Group	Accept in Part	8.6
370.9	Paterson Pitts Group	Accept in Part	8.8
373.15	Department of Conservation	Accept in Part	4.8
378.27	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept	4.5
378.28	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	4.8
378.39	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	8.2
383.47	Queenstown Lakes District Council	Accept	3.1
383.48	Queenstown Lakes District Council	Accept	4.9
383.49	Queenstown Lakes District Council	Reject	8.1
389.1	Body Corporate 22362	Accept in Part	8.4
389.11	Body Corporate 22362	Accept in Part	8.6
389.7	Body Corporate 22362	Accept in Part	General
389.8	Body Corporate 22362	Accept in Part	4.1-4.13
391.12	Sean & Jane McLeod	Accept in Part	General
391.13	Sean & Jane McLeod	Accept in Part	4.1-4.13
391.14	Sean & Jane McLeod	Accept in Part	8.4
391.16	Sean & Jane McLeod	Accept in Part	8.6
395.3	Trustees of the Gordon Family Trust	Accept in Part	2.1
396.3	James Canning Muspratt	Accept in Part	2.1
399.10	Peter and Margaret Arnott	Accept in Part	2.1
401.3	Max Guthrie	Accept in Part	2.1
402.3	Leslie Richard Nelson and Judith Anne Nelson	Accept in Part	2.1
403.2	Banco Trustees Limited, McCulloch Trustees 2004 Limited, and others	Accept in Part	2.1
406.2	Graeme Morris Todd	Accept in Part	2.1
406.3	Graeme Morris Todd	Accept in Part	8.8
408.27	Otago Foundation Trust Board	Accept in Part	1.8, 2.1
414.3	Clark Fortune McDonald & Associates Ltd	Accept in Part	2.1
415.3	Trustees of the Lake Hayes Investment Trust	Accept in Part	2.1
416.1	Queenstown Lakes Lodge Limited	Accept in Part	2.1
421.10	Two Degrees Mobile Limited	Reject	2.1
421.11	Two Degrees Mobile Limited	Accept in Part	8.5
421.9	Two Degrees Mobile Limited	Accept in Part	4.6
423.5	Carol Bunn	Accept in Part	2.1
426.18	Heritage New Zealand	Accept in Part	4.5

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
426.19	Heritage New Zealand	Accept in Part	5.4
426.19	Straterra	Accept in Part	5.4
427.2	MR & SL Burnell Trust	Accept in Part	2.1
427.3	MR & SL Burnell Trust	Accept in Part	8.8
428.4	Barry Francis Ellis and Sandy Joan Ellis	Accept in Part	2.1
430.10	Ayrburn Farm Estate Ltd	Accept in Part	2.1
431.4	Barbara Kipke	Accept in Part	2.1
433.94	Queenstown Airport Corporation	Reject	4.3
433.96	Queenstown Airport Corporation	Accept	8.1
433.97	Queenstown Airport Corporation	Reject	8.4
433.98	Queenstown Airport Corporation	Reject	8.4
433.99	Queenstown Airport Corporation	Reject	8.8
438.35	New Zealand Fire Service	Accept in Part	4.6
438.36	New Zealand Fire Service	Accept	4.6
438.37	New Zealand Fire Service	Accept	4.6
438.38	New Zealand Fire Service	Reject	4.6
438.39	New Zealand Fire Service	Accept in Part	2.1
442.7	David and Margaret Bunn	Accept in Part	3.1
453.1	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	4.1-4.13
453.10	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	4.2
453.11	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.2
453.12	Paterson Pitts Partners (Wanaka) Ltd	Accept	4.2
453.13	Paterson Pitts Partners (Wanaka) Ltd	Accept	4.2
453.14	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.3
453.15	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	4.4
453.16	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	4.5
453.17	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.5
453.18	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	4.6
453.19	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.6
453.20	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.6
453.21	Paterson Pitts Partners (Wanaka) Ltd	Accept	4.6
453.22	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.6
453.23	Paterson Pitts Partners (Wanaka) Ltd	Reject	4.6
453.24	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	7.4
453.3	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	2.1
453.4	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	8.4
453.5	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	8.4
453.6	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	8.5
453.7	Paterson Pitts Partners (Wanaka) Ltd	Accept	8.6
453.8	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	8.8
453.9	Paterson Pitts Partners (Wanaka) Ltd	Accept in Part	Section 8.10
456.30	Hogans Gully Farming Limited	Accept	8.2
467.3	Mr Scott Conway	Accept in Part	2.1
473.3	Mr Richard Hanson	Accept in Part	2.1
476.3	Keith Hindle & Dayle Wright	Accept in Part	2.1
481.4	Cabo Limited	Accept in Part	2.1
481.6	Cabo Limited	Accept in Part	5.7
481.7	Cabo Limited	Accept in Part	5.8
485.2	Joanne Phelan and Brent Herdson	Accept in Part	2.1
486.4	Temple Peak Ltd	Accept in Part	2.1
487.2	Blennerhassett Family	Accept in Part	5.3
487.3	Blennerhassett Family	Reject	5.3
487.4	Blennerhassett Family	Accept in Part	2.1
488.4	Schist Holdings Limited and Bnzl Properties Limited	Accept in Part	2.1

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493.1	S Jones	Accept in Part	2.1
497.16	Arcadian Triangle Limited	Accept in Part	General
497.17	Arcadian Triangle Limited	Accept in Part	2.1
497.18	Arcadian Triangle Limited	Accept in Part	4.1-4.9
497.19	Arcadian Triangle Limited	Accept in Part	2.1, 4.1- 5.13
499.3	Skipp Williamson	Accept in Part	2.1
500.5	Mr David Broomfield	Accept in Part	2.1
501.13	Woodlot Properties Limited	Accept in Part	2.1
501.21	Woodlot Properties Limited	Accept in Part	2.1
501.3	Woodlot Properties Limited	Accept in Part	2.1
512.12	The Estate of Norma Kreft	Accept in Part	General
512.13	The Estate of Norma Kreft	Accept in Part	2.1
512.14	The Estate of Norma Kreft	Accept in Part	4.1-5.13
513.42	Jenny Barb	Accept in Part	General
513.43	Jenny Barb	Accept in Part	2.1
513.44	Jenny Barb	Accept in Part	4.1-4.13
513.45	Jenny Barb	Accept in Part	General
515.36	Wakatipu Equities	Accept in Part	General
515.37	Wakatipu Equities	Accept in Part	2.1
520.4	Fred van Brandenburg	Accept in Part	General
520.5	Fred van Brandenburg	Accept in Part	2.1
520.6	Fred van Brandenburg	Accept in Part	4.1-5.13
522.39	Kristie Jean Brustad and Harry James Inch	Accept in Part	General
522.40	Kristie Jean Brustad and Harry James Inch	Accept in Part	2.1
522.41	Kristie Jean Brustad and Harry James Inch	Accept in Part	4.1-5.13
523.13	Robert and Elvena Heywood	Accept in Part	General
523.14	Robert and Elvena Heywood	Accept in Part	2.1
523.15	Robert and Elvena Heywood	Accept in Part	4.1-4.13
523.16	Robert and Elvena Heywood	Accept in Part	2.1, 4.1-5.13
524.42	Ministry of Education	Accept	4.3
524.43	Ministry of Education	Accept in part	4.3
524.44	Ministry of Education	Accept in part	4.3
524.45	Ministry of Education	Accept in part	4.3
525.1	F S Mee Developments Limited	Accept in Part	General
525.2	F S Mee Developments Limited	Accept in Part	2.1
525.3	F S Mee Developments Limited	Accept in Part	4.1-4.13
525.4	F S Mee Developments Limited	Accept in Part	General
527.3	Larchmont Developments Limited	Accept in Part	General
527.4	Larchmont Developments Limited	Accept in Part	2.1
527.5	Larchmont Developments Limited	Accept in Part	4.1-4.13
527.6	Larchmont Developments Limited	Accept in Part	General
529.4	Lakes Edge Development Limited	Accept in Part	General
529.5	Lakes Edge Development Limited	Accept in Part	2.1
529.6	Lakes Edge Development Limited	Accept in Part	General
530.13	Byron Ballan	Accept in Part	General
530.14	Byron Ballan	Accept in Part	2.1
531.26	Crosshill Farms Limited	Accept in Part	General
531.27	Crosshill Farms Limited	Accept in Part	2.1
531.28	Crosshill Farms Limited	Accept in Part	4.1-4.13
531.29	Crosshill Farms Limited	Accept in Part	General
532.31	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in Part	General

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532.32	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in Part	2.1
532.33	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in Part	2.1
532.34	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in Part	7.2
534.32	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in Part	General
534.33	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in Part	2.1
534.34	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in Part	General
534.35	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in Part	7.2
535.32	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in Part	General
535.33	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in Part	2.1
535.34	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in Part	General
535.35	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in Part	7.2
536.12	Wanaka Trust	Accept in Part	General
536.13	Wanaka Trust	Accept in Part	2.1
536.14	Wanaka Trust	Accept in Part	4.1-5.13
537.37	Slopehill Joint Venture	Accept in Part	4.1-5.13
537.38	Slopehill Joint Venture	Accept in Part	2.1
537.39	Slopehill Joint Venture	Accept in Part	4.1-4.13
542.5	G H & P J Hensman	Accept in Part	2.1
543.6	P J & G H Hensman & Southern Lakes Holdings Limited	Accept in Part	2.1
545.5	High Peaks Limited	Accept in Part	2.1
550.5	Ngai Tahu Property Limited	Accept in Part	2.1
556.11	Skyline Enterprises Limited	Accept in Part	2.1
560.3	Spruce Grove Trust	Accept in Part	2.1
561.5	Three Beaches Limited	Accept in Part	2.1
564.2	Glenorchy Community Association Committee	Accept in Part	2.1
567.13	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	4.1-4.13
567.14	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	General
567.15	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	2.1
567.16	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	4.2
567.17	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	3.1
567.19	Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust	Accept in Part	General
580.11	Contact Energy Limited	Reject	6.3
580.12	Contact Energy Limited	Reject	6.3
583.1	Glendhu Bay Trustees Limited	Accept in Part	2.1
586.1	J D Familton and Sons Trust	Accept in Part	4.1-4.13
586.2	J D Familton and Sons Trust	Accept in Part	4.1-4.13
586.4	J D Familton and Sons Trust	Accept in Part	2.1
586.5	J D Familton and Sons Trust	Accept	8.3

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586.6	J D Familton and Sons Trust	Accept in Part	5.4, 8.1, 8.3
586.7	J D Familton and Sons Trust	Accept in Part	8.4
586.8	J D Familton and Sons Trust	Accept in Part	8.5
591.7	Varina Propriety Limited	Accept in Part	2.1
594.8	Alexander Kenneth & Robert Barry Robins & Robins Farm Limited	Accept in Part	2.1, 6.1
600.102	Federated Farmers of New Zealand	Accept in Part	3.1
600.103	Federated Farmers of New Zealand	Reject	4.7
600.105	Federated Farmers of New Zealand	Accept in Part	Section 8.10
608.55	Darby Planning LP	Accept in Part	General
608.56	Darby Planning LP	Accept in Part	2.1
610.17	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	2.1
610.18	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	8.8
613.17	Treble Cone Investments Limited.	Accept in Part	2.1
613.18	Treble Cone Investments Limited.	Reject	8.8
625.13	Upper Clutha Track Trust	Accept in Part	4.3
631.1	Cassidy Trust	Accept in Part	6.1
631.5	Cassidy Trust	Accept in Part	7.4
631.7	Cassidy Trust	Reject	8.1
632	Kain Fround	Accept in Part	General
632.10	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.3
632.11	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	4.3
632.12	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.3
632.13	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.4
632.14	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.5
632.15	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.5
632.16	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.5, 4.6
632.17	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.5
632.18	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.5
632.19	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.5
632.20	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.21	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.22	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.23	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.24	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.25	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.6
632.26	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6

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632.27	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.28	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.29	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.7
632.30	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.7
632.31	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.7
632.32	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.8
632.33	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.8
632.34	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.9
632.35	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.2
632.36	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.2
632.37	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.5
632.38	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.39	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.6
632.4	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	1.8
632.40	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.9
632.41	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.9
632.42	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.2
632.43	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.2
632.44	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	4.3
632.45	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.3
632.46	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.47	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.48	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6
632.49	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.5	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.2
632.50	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.51	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.6

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632.52	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.53	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.6
632.54	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.7
632.55	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.8
632.56	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.3
632.57	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	4.3
632.58	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	4.3
632.59	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.3
632.6	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.2
632.60	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.4
632.61	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	7.4
632.62	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	7.4
632.63	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept	8.2
632.64	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	Section 5.10
632.65	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	Section 5.10
632.66	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	Section 5.10
632.7	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.2
632.8	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in Part	4.2
632.9	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	4.2
634.11	Trojan Holdings Limited	Accept in Part	2.1
635.35	Aurora Energy Limited	Accept in Part	4.6
635.36	Aurora Energy Limited	Accept in Part	4.6
635.37	Aurora Energy Limited	Reject	4.6
635.38	Aurora Energy Limited	Accept	4.6
635.39	Aurora Energy Limited	Accept	4.6
635.40	Aurora Energy Limited	Reject	8.1
635.41	Aurora Energy Limited	Accept in Part	8.6
635.42	Aurora Energy Limited	Accept in Part	4.3
636.11	Crown Range Holdings Ltd	Accept	1.8
636.12	Crown Range Holdings Ltd	Accept in Part	4.1-4.13
639.3	David Sinclair	Accept in Part	2.1
643.16	Crown Range Enterprises	Accept	1.8
656.1	Crescent Investments Limited	Accept in Part	8.2
656.1	David Barton	Accept in Part	8.2
656.2	Crescent Investments Limited	Reject	8.2
656.2	David Barton	Accept	8.2

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671.5	Queenstown Trails Trust	Accept in Part	4.3
688.10	Justin Crane and Kirsty Mactaggart	Accept	1.8
688.11	Justin Crane and Kirsty Mactaggart	Accept in Part	1.8
691.2	Aaron and Rebecca Moody	Accept in Part	4.4
691.3	Aaron and Rebecca Moody	Accept in Part	2.1
693.16	Private Property Limited	Accept	1.8
693.17	Private Property Limited	Accept in Part	1.8
694.25	Glentui Heights Ltd	Accept in Part	2.1
696.19	Millbrook Country Club Ltd	Accept in Part	1.8
696.20	Millbrook Country Club Ltd	Accept in Part	8.2
696.21	Millbrook Country Club Ltd	Accept in Part	1.8
696.22	Millbrook Country Club Ltd	Accept in Part	1.8
696.23	Millbrook Country Club Ltd	Accept in Part	8.2
697.3	Streat Developments Ltd	Accept in Part	2.1
702.13	Lake Wakatipu Stations Limited	Accept in Part	1.8
702.14	Lake Wakatipu Stations Limited	Accept in Part	1.8
706.60	Forest and Bird NZ	Accept in Part	4.5
706.61	Forest and Bird NZ	Accept in Part	4.5
706.62	Forest and Bird NZ	Accept in Part	4.5
706.63	Forest and Bird NZ	Accept in Part	4.5, 4.6
706.64	Forest and Bird NZ	Accept	4.5
712.14	Bobs Cove Developments Limited	Accept in Part	2.1
719.128	NZ Transport Agency	Accept in Part	4.2
719.129	NZ Transport Agency	Accept	4.2
719.130	NZ Transport Agency	Accept in part	4.3
719.131	NZ Transport Agency	Accept in part	4.3
719.132	NZ Transport Agency	Accept in part	4.3
719.133	NZ Transport Agency	Accept in Part	4.6
719.134	NZ Transport Agency	Accept	4.6
719.135	NZ Transport Agency	Accept	4.6
719.136	NZ Transport Agency	Accept	4.6
719.137	NZ Transport Agency	Accept in Part	4.6
719.138	NZ Transport Agency	Reject	4.7
719.139	NZ Transport Agency	Reject	4.7
719.140	NZ Transport Agency	Accept in Part	4.9
719.141	NZ Transport Agency	Reject	8.1
719.142	NZ Transport Agency	Accept in Part	8.6
719.143	NZ Transport Agency	Accept in Part	8.8
719.144	NZ Transport Agency	Accept in Part	8.9
748.1	Jodi Todd	Accept in Part	2.1
761.29	ORFEL Ltd	Accept in Part	2.1
761.30	ORFEL Ltd	Accept in Part	7.2
762.1	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Reject	7.4
762.2	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in Part	2.1
762.3	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in Part	7.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
762.4	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in Part	8.1
762.5	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in Part	7.4
762.6	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in Part	Section 5.10
762.7	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in Part	7.4
763.14	Lake Hayes Limited	Accept in Part	2.1
763.15	Lake Hayes Limited	Accept in Part	7.2
767.16	Lake Hayes Cellar Limited	Accept in Part	2.1
767.17	Lake Hayes Cellar Limited	Accept in Part	7.2
771.3	Haweia Community Association	Accept in Part	General
775.1	H R & D A Familton	Accept in Part	4.1-4.13
775.2	H R & D A Familton	Accept in Part	4.1-4.13
775.4	H R & D A Familton	Accept in Part	2.1
775.5	H R & D A Familton	Accept	8.3
775.6	H R & D A Familton	Accept in Part	5.4, 8.1, 8.3
775.7	H R & D A Familton	Accept in Part	8.4
775.8	H R & D A Familton	Accept in Part	8.5
781.10	Chorus New Zealand Limited	Accept in Part	4.6
781.11	Chorus New Zealand Limited	Reject	2.1
781.12	Chorus New Zealand Limited	Accept in Part	8.5
781.13	Chorus New Zealand Limited	Accept in Part	8.5
798.17	Otago Regional Council	Reject	8.8
798.49	Otago Regional Council	Accept in Part	4.6
798.50	Otago Regional Council	Accept in Part	4.6
798.51	Otago Regional Council	Accept in Part	8.2
798.52	Otago Regional Council	Reject	7.4
803.1	H R Familton	Accept in Part	4.1-4.13
803.2	H R Familton	Accept in Part	4.1-4.13
803.4	H R Familton	Accept in Part	2.1
803.5	H R Familton	Accept	8.3
803.6	H R Familton	Accept in Part	5.4, 8.1, 8.3
803.7	H R Familton	Accept in Part	8.4
803.8	H R Familton	Accept in Part	8.5
805.62	Transpower New Zealand Limited	Reject	4.6
805.63	Transpower New Zealand Limited	Accept in Part	4.1, 4.3
805.64	Transpower New Zealand Limited	Reject	4.6
805.65	Transpower New Zealand Limited	Reject	6.1
806.165	Queenstown Park Limited	Accept in Part	3.1
806.166	Queenstown Park Limited	Reject	3.1
806.167	Queenstown Park Limited	Accept in Part	3.1
806.168	Queenstown Park Limited	Accept in Part	3.1
806.169	Queenstown Park Limited	Accept in Part	4.2
806.170	Queenstown Park Limited	Accept in Part	4.2
806.171	Queenstown Park Limited	Accept in Part	4.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
806.172	Queenstown Park Limited	Reject	4.2
806.173	Queenstown Park Limited	Accept in Part	4.2
806.174	Queenstown Park Limited	Accept in Part	4.2
806.175	Queenstown Park Limited	Reject	4.2
806.176	Queenstown Park Limited	Reject	4.2
806.177	Queenstown Park Limited	Accept	4.3
806.178	Queenstown Park Limited	Reject	4.3
806.179	Queenstown Park Limited	Accept in Part	4.3
806.180	Queenstown Park Limited	Accept in Part	4.5
806.182	Queenstown Park Limited	Accept in Part	4.5
806.183	Queenstown Park Limited	Accept in Part	4.5, 4.6
806.184	Queenstown Park Limited	Accept	4.5
806.185	Queenstown Park Limited	Accept	4.5
806.186	Queenstown Park Limited	Reject	4.5
806.187	Queenstown Park Limited	Reject	4.5
806.188	Queenstown Park Limited	Reject	4.6
806.189	Queenstown Park Limited	Accept in Part	4.7
806.190	Queenstown Park Limited	Accept in Part	4.9, 7.2
806.192	Queenstown Park Limited	Reject	6.3
806.193	Queenstown Park Limited	Accept in Part	6.4
807.89	Remarkables Park Limited	Accept	6.3
809.20	Queenstown Lakes District Council	Reject	4.3
809.21	Queenstown Lakes District Council	Reject	4.5
809.22	Queenstown Lakes District Council	Reject	4.5
809.23	Queenstown Lakes District Council	Reject	5.2
809.24	Queenstown Lakes District Council	Accept	8.9
809.5	Queenstown Lakes District Council	Reject	4.5
817.2	Te Ao Marama Inc	Accept in Part	1.8
820.13	Jeremy Bell Investments	Accept in Part	2.1
820.9	Jeremy Bell Investments	Accept in Part	2.1
830.5	Duncan Edward Robertson	Accept in Part	2.1
850.4	R & R Jones	Accept in Part	2.1
1366.4	Moraine Creek Limited	Accept in Part	General
1366.5	Moraine Creek Limited	Accept in Part	2.1, 8.8
1366.6	Moraine Creek Limited	Accept in Part	8.8

Appendix 3 for Report 7
Part B: Further Submissions

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1029.3	145.32	Universal Developments Limited	Accept	1.7
FS1029.32	395.3	Universal Developments Limited	Accept in Part	2.1
FS1029.33	399.10	Universal Developments Limited	Accept in Part	2.1
FS1029.35	512.13	Universal Developments Limited	Accept in Part	2.1
FS1034.102	600.102	Upper Clutha Environmental Society (Inc.)	Accept in Part	3.1
FS1034.103	600.103	Upper Clutha Environmental Society (Inc.)	Accept	4.7
FS1034.105	600.105	Upper Clutha Environmental Society (Inc.)	Accept in Part	Section 8.10
FS1034.153	820.9	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.157	820.13	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.213	608.55	Upper Clutha Environmental Society (Inc.)	Accept in Part	General
FS1034.214	608.56	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.233	583.1	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1034.237	583.5	Upper Clutha Environmental Society (Inc.)	Accept in Part	8.2
FS1049.27	378.27	LAC Property Trustees Limited	Reject	4.5
FS1049.28	378.28	LAC Property Trustees Limited	Accept in Part	4.8
FS1049.39	378.39	LAC Property Trustees Limited	Accept in Part	8.2
FS1050.30	430.10	Jan Andersson	Accept in Part	2.1
FS1053.1	583.1	Tui Advisers Ltd	Accept in Part	2.1
FS1061.15	177.10	Otago Foundation Trust Board	Accept in Part	2.1
FS1061.52	166.8	Otago Foundation Trust Board	Accept in Part	2.1
FS1061.67	399.10	Otago Foundation Trust Board	Accept in Part	2.1
FS1068.32	535.32	Keri & Roland Lemaire-Sicre	Accept in Part	General
FS1068.33	535.33	Keri & Roland Lemaire-Sicre	Accept in Part	2.1
FS1068.34	535.34	Keri & Roland Lemaire-Sicre	Accept in Part	General
FS1068.35	535.35	Keri & Roland Lemaire-Sicre	Accept in Part	7.2
FS1071.106	414.3	Lake Hayes Estate Community Association	Accept in Part	2.1
FS1071.114	850.4	Lake Hayes Estate Community Association	Accept in Part	2.1
FS1071.45	535.32	Lake Hayes Estate Community Association	Accept in Part	General
FS1071.46	535.33	Lake Hayes Estate Community Association	Accept in Part	2.1
FS1071.47	535.34	Lake Hayes Estate Community Association	Accept in Part	General
FS1071.48	535.35	Lake Hayes Estate Community Association	Accept in Part	7.2
FS1071.89	532.31	Lake Hayes Estate Community Association	Accept in Part	General
FS1071.90	532.32	Lake Hayes Estate Community Association	Accept in Part	2.1
FS1071.91	532.33	Lake Hayes Estate Community Association	Accept in Part	2.1
FS1071.92	532.34	Lake Hayes Estate Community Association	Accept in Part	7.2
FS1082.27	430.10	J and R Hadley	Accept in Part	2.1
FS1084.11	430.10	Wendy Clarke	Accept in Part	2.1
FS1086.13	430.10	J Hadley	Accept in Part	2.1
FS1087.11	430.10	Robyn Hart	Accept in Part	2.1
FS1089.29	430.10	Mark McGuiness	Accept in Part	2.1
FS1092.18	512.13	NZ Transport Agency	Accept in Part	2.1
FS1094.1	583.1	John Johannes May	Accept in Part	2.1
FS1095.27	378.27	Nick Brasington	Reject	4.5
FS1095.28	378.28	Nick Brasington	Accept in Part	4.8
FS1095.39	378.39	Nick Brasington	Accept in Part	8.2
FS1097.12	38.4	Queenstown Park Limited	Accept	8.1
FS1097.121	271.18	Queenstown Park Limited	Reject	8.1
FS1097.130	285.15	Queenstown Park Limited	Accept in Part	2.1
FS1097.133	288.3	Queenstown Park Limited	Accept in Part	3.1
FS1097.136	294.4	Queenstown Park Limited	Accept in Part	2.1
FS1097.277	414.3	Queenstown Park Limited	Accept in Part	2.1
FS1097.278	415.3	Queenstown Park Limited	Accept in Part	2.1
FS1097.286	430.10	Queenstown Park Limited	Accept in Part	2.1
FS1097.380	433.94	Queenstown Park Limited	Accept	4.3
FS1097.382	433.96	Queenstown Park Limited	Reject	8.1
FS1097.383	433.97	Queenstown Park Limited	Accept	8.4
FS1097.384	433.98	Queenstown Park Limited	Accept	8.4
FS1097.385	433.99	Queenstown Park Limited	Accept	8.8
FS1097.420	438.38	Queenstown Park Limited	Accept	4.6
FS1097.423	442.7	Queenstown Park Limited	Accept in Part	3.1
FS1097.425	453.3	Queenstown Park Limited	Accept in Part	2.1
FS1097.437	493.1	Queenstown Park Limited	Accept in Part	2.1
FS1097.438	497.17	Queenstown Park Limited	Accept in Part	2.1
FS1097.439	501.13	Queenstown Park Limited	Accept in Part	2.1
FS1097.449	513.45	Queenstown Park Limited	Accept in Part	General
FS1097.45	145.32	Queenstown Park Limited	Accept	1.7

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1097.459	513.43	Queenstown Park Limited	Accept in Part	2.1
FS1097.46	145.32	Queenstown Park Limited	Accept	1.7
FS1097.473	515.36	Queenstown Park Limited	Accept in Part	General
FS1097.481	515.37	Queenstown Park Limited	Accept in Part	2.1
FS1097.490	520.5	Queenstown Park Limited	Accept in Part	2.1
FS1097.497	523.14	Queenstown Park Limited	Accept in Part	2.1
FS1097.498	522.40	Queenstown Park Limited	Accept in Part	2.1
FS1097.499	525.2	Queenstown Park Limited	Accept in Part	2.1
FS1097.500	527.4	Queenstown Park Limited	Accept in Part	2.1
FS1097.506	529.5	Queenstown Park Limited	Accept in Part	2.1
FS1097.507	530.14	Queenstown Park Limited	Accept in Part	2.1
FS1097.515	545.5	Queenstown Park Limited	Accept in Part	2.1
FS1097.52	179.14	Queenstown Park Limited	Accept in Part	8.5
FS1097.520	550.5	Queenstown Park Limited	Accept in Part	2.1
FS1097.61	191.11	Queenstown Park Limited	Accept in Part	8.5
FS1097.62	191.12	Queenstown Park Limited	Accept in Part	8.5
FS1097.635	632.42	Queenstown Park Limited	Reject	4.2
FS1097.636	632.54	Queenstown Park Limited	Accept	4.7
FS1097.637	632.55	Queenstown Park Limited	Accept in Part	4.8
FS1097.638	632.63	Queenstown Park Limited	Accept	8.2
FS1097.644	635.35	Queenstown Park Limited	Accept in Part	4.6
FS1097.702	761.30	Queenstown Park Limited	Accept in Part	7.2
FS1097.704	762.3	Queenstown Park Limited	Accept in Part	7.2
FS1097.706	781.12	Queenstown Park Limited	Accept in Part	8.5
FS1097.707	781.13	Queenstown Park Limited	Accept in Part	8.5
FS1097.717	798.49	Queenstown Park Limited	Accept in Part	4.6
FS1097.720	809.5	Queenstown Park Limited	Accept	4.5
FS1097.772	817.2	Queenstown Park Limited	N/A	1.8
FS1097.774	1366.4	Queenstown Park Limited	Accept in Part	2.1
FS1097.82	248.8	Queenstown Park Limited	Accept in Part	General
FS1097.83	248.9	Queenstown Park Limited	Accept in Part	4.1-4.13
FS1097.84	248.10	Queenstown Park Limited	Accept in Part	4.2
FS1099.10	430.10	Brendon and Katrina Thomas	Accept in Part	2.1
FS1107.119	238.114	Man Street Properties Ltd	Reject	4.2
FS1107.120	238.115	Man Street Properties Ltd	Accept	2.9
FS1107.15	238.10	Man Street Properties Ltd	Accept	2.9
FS1109.3	38.4	Phillip Bunn	Reject	8.1
FS1117.142	433.94	Remarkables Park Limited	Accept	4.3
FS1117.144	433.96	Remarkables Park Limited	Reject	8.1
FS1117.145	433.97	Remarkables Park Limited	Accept	8.4
FS1117.146	433.98	Remarkables Park Limited	Accept	8.4
FS1117.147	433.99	Remarkables Park Limited	Accept	8.8
FS1117.189	453.1	Remarkables Park Limited	Accept in Part	4.1-4.13
FS1117.190	453.10	Remarkables Park Limited	Accept in Part	4.2
FS1117.191	453.21	Remarkables Park Limited	Accept	4.6
FS1117.192	493.1	Remarkables Park Limited	Accept in Part	2.1
FS1117.193	497.17	Remarkables Park Limited	Accept in Part	2.1
FS1117.194	501.13	Remarkables Park Limited	Accept in Part	2.1
FS1117.196	515.37	Remarkables Park Limited	Accept in Part	2.1
FS1117.198	520.4	Remarkables Park Limited	Accept in Part	2.1
FS1117.199	520.5	Remarkables Park Limited	Accept in Part	2.1
FS1117.200	520.6	Remarkables Park Limited	Accept in Part	2.1
FS1117.201	523.14	Remarkables Park Limited	Accept in Part	2.1
FS1117.207	527.4	Remarkables Park Limited	Accept in Part	2.1

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1117.208	529.5	Remarkables Park Limited	Accept in Part	2.1
FS1117.209	530.14	Remarkables Park Limited	Accept in Part	2.1
FS1117.210	545.5	Remarkables Park Limited	Accept in Part	2.1
FS1117.219	550.5	Remarkables Park Limited	Accept in Part	2.1
FS1117.221	556.11	Remarkables Park Limited	Accept in Part	2.1
FS1117.222	567.13	Remarkables Park Limited	Accept in Part	4.1-4.13
FS1117.223	567.14	Remarkables Park Limited	Accept in Part	General
FS1117.224	567.15	Remarkables Park Limited	Accept in Part	2.1
FS1117.225	567.16	Remarkables Park Limited	Accept in Part	4.2
FS1117.281	781.12	Remarkables Park Limited	Accept in Part	8.5
FS1117.282	781.13	Remarkables Park Limited	Accept in Part	8.5
FS1117.38	271.18	Remarkables Park Limited	Reject	8.1
FS1117.43	335.18	Remarkables Park Limited	Accept in Part	2.1
FS1117.44	335.32	Remarkables Park Limited	Reject	Section 8.10
FS1117.53	414.3	Remarkables Park Limited	Accept in Part	2.1
FS1117.56	423.5	Remarkables Park Limited	Accept in Part	2.1
FS1120.41	537.37	Michael Brial	Accept in Part	4.1-5.13
FS1120.42	537.38	Michael Brial	Accept in Part	2.1
FS1120.43	537.39	Michael Brial	Accept in Part	4.1-4.13
FS1121.17	179.12	Aurora Energy Limited	Reject	2.1
FS1121.18	191.10	Aurora Energy Limited	Reject	2.1
FS1121.19	421.10	Aurora Energy Limited	Reject	2.1
FS1121.20	805.63	Aurora Energy Limited	Accept in Part	4.1, 4.3
FS1121.21	805.65	Aurora Energy Limited	Reject	6.1
FS1125.13	289.6	New Zealand Fire Service	Reject	4.6
FS1125.14	289.7	New Zealand Fire Service	Reject	4.6
FS1125.15	761.29	New Zealand Fire Service	Accept in Part	2.1
FS1125.16	762.2	New Zealand Fire Service	Accept in Part	2.1
FS1125.18	763.14	New Zealand Fire Service	Accept in Part	2.1
FS1125.19	767.16	New Zealand Fire Service	Accept in Part	2.1
FS1125.20	497.17	New Zealand Fire Service	Accept in Part	2.1
FS1125.22	513.43	New Zealand Fire Service	Accept in Part	2.1
FS1125.23	520.5	New Zealand Fire Service	Accept in Part	2.1
FS1125.24	522.40	New Zealand Fire Service	Accept in Part	2.1
FS1125.25	523.14	New Zealand Fire Service	Accept in Part	2.1
FS1125.26	525.2	New Zealand Fire Service	Accept in Part	2.1
FS1125.27	527.4	New Zealand Fire Service	Accept in Part	2.1
FS1125.28	529.5	New Zealand Fire Service	Accept in Part	2.1
FS1125.29	530.14	New Zealand Fire Service	Accept in Part	2.1
FS1125.30	531.27	New Zealand Fire Service	Accept in Part	2.1
FS1125.31	532.33	New Zealand Fire Service	Accept in Part	2.1
FS1125.32	534.33	New Zealand Fire Service	Accept in Part	2.1
FS1125.33	535.33	New Zealand Fire Service	Accept in Part	2.1
FS1125.34	536.13	New Zealand Fire Service	Accept in Part	2.1
FS1125.35	537.38	New Zealand Fire Service	Accept in Part	2.1
FS1125.36	583.1	New Zealand Fire Service	Accept in Part	2.1
FS1125.38	608.56	New Zealand Fire Service	Accept in Part	2.1
FS1125.39	610.17	New Zealand Fire Service	Accept in Part	2.1
FS1125.40	613.17	New Zealand Fire Service	Accept in Part	2.1
FS1127.4	493.1	Rene Kampman	Accept in Part	2.1
FS1129.10	430.10	Graeme Hill	Accept in Part	2.1
FS1132.10	191.11	Federated Farmers of New Zealand	Accept in Part	8.5
FS1132.11	191.12	Federated Farmers of New Zealand	Accept in Part	8.5
FS1132.5	179.14	Federated Farmers of New Zealand	Accept in Part	8.5

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1133.11	430.10	John Blair	Accept in Part	2.1
FS1146.28	430.10	Lee Nicolson	Accept in Part	2.1
FS1149.1	583.1	Noel Williams	Accept in Part	2.1
FS1150.13	367.5	ORFEL Limited	Accept	8.3
FS1155.4	719.141	Mt Rosa Wines Ltd	Accept	8.1
FS1157.43	238.10	Trojan Helmet Ltd	Accept	2.9
FS1157.45	238.114	Trojan Helmet Ltd	Reject	4.2
FS1157.46	238.115	Trojan Helmet Ltd	Accept	2.9
FS1157.53	166.8	Trojan Helmet Ltd	Accept in Part	2.1
FS1157.54	166.19	Trojan Helmet Ltd	Accept	8.2
FS1157.59	534.35	Trojan Helmet Ltd	Accept in Part	7.2
FS1160.10	262.1	Otago Regional Council	Accept in Part	2.1
FS1160.4	438.39	Otago Regional Council	Accept in Part	2.1
FS1162.114	706.60	James Wilson Cooper	Accept in Part	4.5
FS1162.115	706.61	James Wilson Cooper	Accept in Part	4.5
FS1162.116	706.62	James Wilson Cooper	Accept in Part	4.5
FS1162.117	706.63	James Wilson Cooper	Accept in Part	4.5, 4.6
FS1162.118	706.64	James Wilson Cooper	Reject	4.5
FS1162.32	145.32	James Wilson Cooper	Accept	1.7
FS1164.10	527.4	Shotover Park Limited	Accept in Part	2.1
FS1164.11	527.5	Shotover Park Limited	Accept in Part	4.1-4.13
FS1164.12	527.6	Shotover Park Limited	Accept in Part	2.1
FS1164.15	781.12	Shotover Park Limited	Accept in Part	8.5
FS1164.3	415.3	Shotover Park Limited	Accept in Part	2.1
FS1164.5	520.4	Shotover Park Limited	Accept in Part	2.1
FS1164.6	520.5	Shotover Park Limited	Accept in Part	2.1
FS1164.7	520.6	Shotover Park Limited	Accept in Part	2.1
FS1164.8	523.16	Shotover Park Limited	Accept in Part	2.1, 4.1-5.13
FS1164.9	527.3	Shotover Park Limited	Accept in Part	2.1
FS1167.30	408.27	Peter and Margaret Arnott	Accept in Part	1.8, 2.1
FS1206.7	360.3	Skipp Williamson	Accept in Part	2.1
FS1209.102	600.102	Richard Burdon	Accept in Part	3.1
FS1209.103	600.103	Richard Burdon	Reject	4.7
FS1209.105	600.105	Richard Burdon	Accept in Part	Section 8.10
FS1211.18	635.37	New Zealand Defence Force	Reject	4.6
FS1211.30	805.62	New Zealand Defence Force	Reject	4.6
FS1211.31	805.63	New Zealand Defence Force	Accept in Part	4.1, 4.3
FS1215.1	359.3	Goldridge Resort Limited	Accept in Part	General
FS1217.10	632.9	HL Dowell and MJM Brown Home Trust	Accept	4.2
FS1217.11	632.10	HL Dowell and MJM Brown Home Trust	Accept	4.3
FS1217.113	762.1	HL Dowell and MJM Brown Home Trust	Accept	7.4
FS1217.114	762.2	HL Dowell and MJM Brown Home Trust	Accept in Part	2.1
FS1217.115	762.3	HL Dowell and MJM Brown Home Trust	Accept in Part	7.2
FS1217.116	762.4	HL Dowell and MJM Brown Home Trust	Accept in Part	8.1
FS1217.117	762.5	HL Dowell and MJM Brown Home Trust	Accept in Part	7.4
FS1217.118	762.6	HL Dowell and MJM Brown Home Trust	Accept in Part	Section 5.10
FS1217.119	762.7	HL Dowell and MJM Brown Home Trust	Accept in Part	7.4
FS1217.12	632.11	HL Dowell and MJM Brown Home Trust	Accept in part	4.3
FS1217.13	632.12	HL Dowell and MJM Brown Home Trust	Reject	4.3
FS1217.14	632.13	HL Dowell and MJM Brown Home Trust	Accept in Part	4.4
FS1217.15	632.14	HL Dowell and MJM Brown Home Trust	Accept	4.5
FS1217.16	632.15	HL Dowell and MJM Brown Home Trust	Accept	4.5
FS1217.17	632.16	HL Dowell and MJM Brown Home Trust	Accept in Part	4.5, 4.6
FS1217.18	632.17	HL Dowell and MJM Brown Home Trust	Reject	4.5

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1217.19	632.18	HL Dowell and MJM Brown Home Trust	Reject	4.5
FS1217.20	632.19	HL Dowell and MJM Brown Home Trust	Accept	4.5
FS1217.21	632.20	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.22	632.21	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.23	632.22	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.24	632.23	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.25	632.24	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.26	632.25	HL Dowell and MJM Brown Home Trust	Reject	4.6
FS1217.27	632.26	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.28	632.27	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.29	632.28	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.30	632.29	HL Dowell and MJM Brown Home Trust	Reject	4.7
FS1217.31	632.30	HL Dowell and MJM Brown Home Trust	Reject	4.7
FS1217.32	632.31	HL Dowell and MJM Brown Home Trust	Reject	4.7
FS1217.33	632.32	HL Dowell and MJM Brown Home Trust	Accept	4.8
FS1217.34	632.33	HL Dowell and MJM Brown Home Trust	Accept	4.8
FS1217.35	632.34	HL Dowell and MJM Brown Home Trust	Accept in Part	4.9
FS1217.36	632.35	HL Dowell and MJM Brown Home Trust	Accept in Part	4.2
FS1217.37	632.36	HL Dowell and MJM Brown Home Trust	Accept in Part	4.2
FS1217.38	632.37	HL Dowell and MJM Brown Home Trust	Accept in Part	4.5
FS1217.39	632.38	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.40	632.39	HL Dowell and MJM Brown Home Trust	Reject	4.6
FS1217.41	632.40	HL Dowell and MJM Brown Home Trust	Accept in Part	4.9
FS1217.42	632.41	HL Dowell and MJM Brown Home Trust	Accept in Part	4.9
FS1217.43	632.42	HL Dowell and MJM Brown Home Trust	Accept	4.2
FS1217.44	632.43	HL Dowell and MJM Brown Home Trust	Accept in Part	4.2
FS1217.45	632.44	HL Dowell and MJM Brown Home Trust	Reject	4.3
FS1217.46	632.45	HL Dowell and MJM Brown Home Trust	Accept	4.3
FS1217.47	632.46	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.48	632.47	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.49	632.48	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.5	632.4	HL Dowell and MJM Brown Home Trust	Reject	1.8
FS1217.50	632.49	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.51	632.50	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.52	632.51	HL Dowell and MJM Brown Home Trust	Accept	4.6
FS1217.53	632.52	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.54	632.53	HL Dowell and MJM Brown Home Trust	Accept in Part	4.6
FS1217.55	632.54	HL Dowell and MJM Brown Home Trust	Accept	4.7
FS1217.56	632.55	HL Dowell and MJM Brown Home Trust	Accept in Part	4.8
FS1217.57	632.56	HL Dowell and MJM Brown Home Trust	Accept	4.3
FS1217.58	632.57	HL Dowell and MJM Brown Home Trust	Accept in part	4.3
FS1217.59	632.58	HL Dowell and MJM Brown Home Trust	Accept in part	4.3
FS1217.6	632.5	HL Dowell and MJM Brown Home Trust	Accept in Part	4.2
FS1217.60	632.59	HL Dowell and MJM Brown Home Trust	Accept in Part	4.3
FS1217.61	632.60	HL Dowell and MJM Brown Home Trust	Accept in Part	4.4
FS1217.62	632.61	HL Dowell and MJM Brown Home Trust	Accept in Part	7.4
FS1217.63	632.62	HL Dowell and MJM Brown Home Trust	Accept	7.4
FS1217.64	632.63	HL Dowell and MJM Brown Home Trust	Reject	8.2
FS1217.65	632.64	HL Dowell and MJM Brown Home Trust	Accept	Section 5.10
FS1217.66	632.65	HL Dowell and MJM Brown Home Trust	Accept	Section 5.10
FS1217.67	632.66	HL Dowell and MJM Brown Home Trust	Accept	Section 5.10
FS1217.7	632.6	HL Dowell and MJM Brown Home Trust	Accept	4.2
FS1217.8	632.7	HL Dowell and MJM Brown Home Trust	Accept in Part	4.2
FS1217.9	632.8	HL Dowell and MJM Brown Home Trust	Accept in Part	4.2

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1219.10	632.9	Bravo Trustee Company	Accept	4.2
FS1219.11	632.10	Bravo Trustee Company	Accept	4.3
FS1219.113	762.1	Bravo Trustee Company	Accept	7.4
FS1219.114	762.2	Bravo Trustee Company	Accept in Part	2.1
FS1219.115	762.3	Bravo Trustee Company	Accept in Part	7.2
FS1219.116	762.4	Bravo Trustee Company	Accept in Part	8.1
FS1219.117	762.5	Bravo Trustee Company	Accept in Part	7.4
FS1219.118	762.6	Bravo Trustee Company	Accept in Part	Section 5.10
FS1219.119	762.7	Bravo Trustee Company	Accept in Part	7.4
FS1219.12	632.11	Bravo Trustee Company	Accept in part	4.3
FS1219.13	632.12	Bravo Trustee Company	Reject	4.3
FS1219.14	632.13	Bravo Trustee Company	Accept in Part	4.4
FS1219.15	632.14	Bravo Trustee Company	Accept	4.5
FS1219.16	632.15	Bravo Trustee Company	Accept	4.5
FS1219.17	632.16	Bravo Trustee Company	Accept in Part	4.5, 4.6
FS1219.18	632.17	Bravo Trustee Company	Reject	4.5
FS1219.19	632.18	Bravo Trustee Company	Reject	4.5
FS1219.20	632.19	Bravo Trustee Company	Accept	4.5
FS1219.21	632.20	Bravo Trustee Company	Accept in Part	4.6
FS1219.22	632.21	Bravo Trustee Company	Accept	4.6
FS1219.23	632.22	Bravo Trustee Company	Accept	4.6
FS1219.24	632.23	Bravo Trustee Company	Accept	4.6
FS1219.25	632.24	Bravo Trustee Company	Accept	4.6
FS1219.26	632.25	Bravo Trustee Company	Reject	4.6
FS1219.27	632.26	Bravo Trustee Company	Accept	4.6
FS1219.28	632.27	Bravo Trustee Company	Accept	4.6
FS1219.29	632.28	Bravo Trustee Company	Accept	4.6
FS1219.30	632.29	Bravo Trustee Company	Reject	4.7
FS1219.31	632.30	Bravo Trustee Company	Reject	4.7
FS1219.32	632.31	Bravo Trustee Company	Reject	4.7
FS1219.33	632.32	Bravo Trustee Company	Accept	4.8
FS1219.34	632.33	Bravo Trustee Company	Accept	4.8
FS1219.35	632.34	Bravo Trustee Company	Accept in Part	4.9
FS1219.36	632.35	Bravo Trustee Company	Accept in Part	4.2
FS1219.37	632.36	Bravo Trustee Company	Accept in Part	4.2
FS1219.38	632.37	Bravo Trustee Company	Accept in Part	4.5
FS1219.39	632.38	Bravo Trustee Company	Accept in Part	4.6
FS1219.40	632.39	Bravo Trustee Company	Reject	4.6
FS1219.41	632.40	Bravo Trustee Company	Accept in Part	4.9
FS1219.42	632.41	Bravo Trustee Company	Accept in Part	4.9
FS1219.43	632.42	Bravo Trustee Company	Accept	4.2
FS1219.44	632.43	Bravo Trustee Company	Accept in Part	4.2
FS1219.45	632.44	Bravo Trustee Company	Reject	4.3
FS1219.46	632.45	Bravo Trustee Company	Accept	4.3
FS1219.47	632.46	Bravo Trustee Company	Accept	4.6
FS1219.48	632.47	Bravo Trustee Company	Accept in Part	4.6
FS1219.49	632.48	Bravo Trustee Company	Accept	4.6
FS1219.5	632.4	Bravo Trustee Company	Reject	1.8
FS1219.50	632.49	Bravo Trustee Company	Accept in Part	4.6
FS1219.51	632.50	Bravo Trustee Company	Accept in Part	4.6
FS1219.52	632.51	Bravo Trustee Company	Accept	4.6
FS1219.53	632.52	Bravo Trustee Company	Accept in Part	4.6
FS1219.54	632.53	Bravo Trustee Company	Accept in Part	4.6
FS1219.55	632.54	Bravo Trustee Company	Accept	4.7

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1219.56	632.55	Bravo Trustee Company	Accept in Part	4.8
FS1219.57	632.56	Bravo Trustee Company	Accept	4.3
FS1219.58	632.57	Bravo Trustee Company	Accept in part	4.3
FS1219.59	632.58	Bravo Trustee Company	Accept in part	4.3
FS1219.6	632.5	Bravo Trustee Company	Accept in Part	4.2
FS1219.60	632.59	Bravo Trustee Company	Accept in Part	4.3
FS1219.61	632.60	Bravo Trustee Company	Accept in Part	4.4
FS1219.62	632.61	Bravo Trustee Company	Accept in Part	7.4
FS1219.63	632.62	Bravo Trustee Company	Accept	7.4
FS1219.64	632.63	Bravo Trustee Company	Reject	8.2
FS1219.65	632.64	Bravo Trustee Company	Accept	Section 5.10
FS1219.66	632.65	Bravo Trustee Company	Accept	Section 5.10
FS1219.67	632.66	Bravo Trustee Company	Accept	Section 5.10
FS1219.7	632.6	Bravo Trustee Company	Accept	4.2
FS1219.8	632.7	Bravo Trustee Company	Accept in Part	4.2
FS1219.9	632.8	Bravo Trustee Company	Accept in Part	4.2
FS1226.119	238.114	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	4.2
FS1226.120	238.115	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.9
FS1226.15	238.10	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.9
FS1234.119	238.114	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	4.2
FS1234.120	238.115	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.9
FS1234.15	238.10	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.9
FS1239.119	238.114	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	4.2
FS1239.120	238.115	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.9
FS1239.15	238.10	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.9
FS1241.119	238.114	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	4.2
FS1241.120	238.115	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.9
FS1241.15	238.10	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.9
FS1242.142	238.114	Antony & Ruth Stokes	Reject	4.2
FS1242.143	238.115	Antony & Ruth Stokes	Accept	2.9
FS1242.38	238.10	Antony & Ruth Stokes	Accept	2.9
FS1248.119	238.114	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	4.2
FS1248.120	238.115	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.9
FS1248.15	238.10	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.9
FS1249.119	238.114	Tweed Development Limited	Reject	4.2
FS1249.120	238.115	Tweed Development Limited	Accept	2.9
FS1249.15	238.10	Tweed Development Limited	Accept	2.9
FS1252.10	632.9	Tim & Paula Williams	Accept	4.2
FS1252.11	632.10	Tim & Paula Williams	Accept	4.3
FS1252.113	762.1	Tim & Paula Williams	Accept	7.4

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1252.114	762.2	Tim & Paula Williams	Accept in Part	2.1
FS1252.115	762.3	Tim & Paula Williams	Accept in Part	7.2
FS1252.116	762.4	Tim & Paula Williams	Accept in Part	8.1
FS1252.117	762.5	Tim & Paula Williams	Accept in Part	7.4
FS1252.118	762.6	Tim & Paula Williams	Accept in Part	Section 5.10
FS1252.119	762.7	Tim & Paula Williams	Accept in Part	7.4
FS1252.12	632.11	Tim & Paula Williams	Accept in part	4.3
FS1252.13	632.12	Tim & Paula Williams	Reject	4.3
FS1252.14	632.13	Tim & Paula Williams	Accept in Part	4.4
FS1252.15	632.14	Tim & Paula Williams	Accept	4.5
FS1252.16	632.15	Tim & Paula Williams	Accept	4.5
FS1252.17	632.16	Tim & Paula Williams	Accept in Part	4.5, 4.6
FS1252.18	632.17	Tim & Paula Williams	Reject	4.5
FS1252.19	632.18	Tim & Paula Williams	Reject	4.5
FS1252.20	632.19	Tim & Paula Williams	Accept	4.5
FS1252.21	632.20	Tim & Paula Williams	Accept in Part	4.6
FS1252.22	632.21	Tim & Paula Williams	Accept	4.6
FS1252.23	632.22	Tim & Paula Williams	Accept	4.6
FS1252.24	632.23	Tim & Paula Williams	Accept	4.6
FS1252.25	632.24	Tim & Paula Williams	Accept	4.6
FS1252.26	632.25	Tim & Paula Williams	Reject	4.6
FS1252.27	632.26	Tim & Paula Williams	Accept	4.6
FS1252.28	632.27	Tim & Paula Williams	Accept	4.6
FS1252.29	632.28	Tim & Paula Williams	Accept	4.6
FS1252.30	632.29	Tim & Paula Williams	Reject	4.7
FS1252.31	632.30	Tim & Paula Williams	Reject	4.7
FS1252.32	632.31	Tim & Paula Williams	Reject	4.7
FS1252.33	632.32	Tim & Paula Williams	Accept	4.8
FS1252.34	632.33	Tim & Paula Williams	Accept	4.8
FS1252.35	632.34	Tim & Paula Williams	Accept in Part	4.9
FS1252.36	632.35	Tim & Paula Williams	Accept in Part	4.2
FS1252.37	632.36	Tim & Paula Williams	Accept in Part	4.2
FS1252.38	632.37	Tim & Paula Williams	Accept in Part	4.5
FS1252.39	632.38	Tim & Paula Williams	Accept in Part	4.6
FS1252.40	632.39	Tim & Paula Williams	Reject	4.6
FS1252.41	632.40	Tim & Paula Williams	Accept in Part	4.9
FS1252.42	632.41	Tim & Paula Williams	Accept in Part	4.9
FS1252.43	632.42	Tim & Paula Williams	Accept	4.2
FS1252.44	632.43	Tim & Paula Williams	Accept in Part	4.2
FS1252.45	632.44	Tim & Paula Williams	Reject	4.3
FS1252.46	632.45	Tim & Paula Williams	Accept	4.3
FS1252.47	632.46	Tim & Paula Williams	Accept	4.6
FS1252.48	632.47	Tim & Paula Williams	Accept in Part	4.6
FS1252.49	632.48	Tim & Paula Williams	Accept	4.6
FS1252.5	632.4	Tim & Paula Williams	Reject	1.8
FS1252.50	632.49	Tim & Paula Williams	Accept in Part	4.6
FS1252.51	632.50	Tim & Paula Williams	Accept in Part	4.6
FS1252.52	632.51	Tim & Paula Williams	Accept	4.6
FS1252.53	632.52	Tim & Paula Williams	Accept in Part	4.6
FS1252.54	632.53	Tim & Paula Williams	Accept in Part	4.6
FS1252.55	632.54	Tim & Paula Williams	Accept	4.7
FS1252.56	632.55	Tim & Paula Williams	Accept in Part	4.8
FS1252.57	632.56	Tim & Paula Williams	Accept	4.3
FS1252.58	632.57	Tim & Paula Williams	Accept in part	4.3

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1252.59	632.58	Tim & Paula Williams	Accept in part	4.3
FS1252.6	632.5	Tim & Paula Williams	Accept in Part	4.2
FS1252.60	632.59	Tim & Paula Williams	Accept in Part	4.3
FS1252.61	632.60	Tim & Paula Williams	Accept in Part	4.4
FS1252.62	632.61	Tim & Paula Williams	Accept in Part	7.4
FS1252.63	632.62	Tim & Paula Williams	Accept	7.4
FS1252.64	632.63	Tim & Paula Williams	Reject	8.2
FS1252.65	632.64	Tim & Paula Williams	Accept	Section 5.10
FS1252.66	632.65	Tim & Paula Williams	Accept	Section 5.10
FS1252.67	632.66	Tim & Paula Williams	Accept	Section 5.10
FS1252.7	632.6	Tim & Paula Williams	Accept	4.2
FS1252.8	632.7	Tim & Paula Williams	Accept in Part	4.2
FS1252.9	632.8	Tim & Paula Williams	Accept in Part	4.2
FS1255.12	414.3	Arcadian Triangle Limited	Accept in Part	2.1
FS1256.13	523.13	Ashford Trust	Accept in Part	General
FS1256.14	523.14	Ashford Trust	Accept in Part	2.1
FS1256.15	523.15	Ashford Trust	Accept in Part	4.1-4.13
FS1256.16	523.16	Ashford Trust	Accept in Part	2.1, 4.1-5.13
FS1256.55	537.37	Ashford Trust	Accept in Part	4.1-5.13
FS1256.56	537.38	Ashford Trust	Accept in Part	2.1
FS1256.57	537.39	Ashford Trust	Accept in Part	4.1-4.13
FS1259.16	535.32	Bill and Jan Walker Family Trust	Accept in Part	General
FS1259.17	535.33	Bill and Jan Walker Family Trust	Accept in Part	2.1
FS1259.18	535.34	Bill and Jan Walker Family Trust	Accept in Part	General
FS1259.19	535.35	Bill and Jan Walker Family Trust	Accept in Part	7.2
FS1260.34	512.12	Dato Tan Chin Nam	Accept in Part	2.1, 7.1-8.12
FS1260.35	512.13	Dato Tan Chin Nam	Accept in Part	2.1
FS1260.36	512.14	Dato Tan Chin Nam	Accept in Part	2.1, 7.1-8.12
FS1261.2	406.2	Bridesdale Farm Developments Limited	Accept in Part	2.1
FS1261.3	406.3	Bridesdale Farm Developments Limited	Accept in Part	8.8
FS1267.16	535.32	DV Bill and Jan Walker Family Trust	Accept in Part	General
FS1267.17	535.33	DV Bill and Jan Walker Family Trust	Accept in Part	2.1
FS1267.18	535.34	DV Bill and Jan Walker Family Trust	Accept in Part	General
FS1267.19	535.35	DV Bill and Jan Walker Family Trust	Accept in Part	7.2
FS1270.101	501.21	Hansen Family Partnership	Accept in Part	2.1
FS1270.56	408.27	Hansen Family Partnership	Accept in Part	1.8, 2.1
FS1270.67	399.10	Hansen Family Partnership	Accept in Part	2.1
FS1270.79	338.6	Hansen Family Partnership	Accept in Part	2.1
FS1270.83	501.3	Hansen Family Partnership	Accept in Part	2.1
FS1270.93	501.13	Hansen Family Partnership	Accept in Part	2.1
FS1275.178	632.4	"Jacks Point" (Submitter number 762 and 856)	Reject	1.8
FS1275.179	632.5	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.2
FS1275.180	632.6	"Jacks Point" (Submitter number 762 and 856)	Accept	4.2
FS1275.181	632.7	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.2
FS1275.182	632.8	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.2
FS1275.183	632.9	"Jacks Point" (Submitter number 762 and 856)	Accept	4.2
FS1275.184	632.10	"Jacks Point" (Submitter number 762 and 856)	Accept	4.3

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1275.185	632.11	"Jacks Point" (Submitter number 762 and 856)	Accept in part	4.3
FS1275.186	632.12	"Jacks Point" (Submitter number 762 and 856)	Reject	4.3
FS1275.187	632.13	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.4
FS1275.188	632.14	"Jacks Point" (Submitter number 762 and 856)	Accept	4.5
FS1275.189	632.15	"Jacks Point" (Submitter number 762 and 856)	Accept	4.5
FS1275.190	632.16	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.5, 4.6
FS1275.191	632.17	"Jacks Point" (Submitter number 762 and 856)	Reject	4.5
FS1275.192	632.18	"Jacks Point" (Submitter number 762 and 856)	Reject	4.5
FS1275.193	632.19	"Jacks Point" (Submitter number 762 and 856)	Accept	4.5
FS1275.194	632.20	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.195	632.21	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.196	632.22	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.197	632.23	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.198	632.24	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.199	632.25	"Jacks Point" (Submitter number 762 and 856)	Reject	4.6
FS1275.200	632.26	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.201	632.27	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.202	632.28	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.203	632.29	"Jacks Point" (Submitter number 762 and 856)	Reject	4.7
FS1275.204	632.30	"Jacks Point" (Submitter number 762 and 856)	Reject	4.7
FS1275.205	632.31	"Jacks Point" (Submitter number 762 and 856)	Reject	4.7
FS1275.206	632.32	"Jacks Point" (Submitter number 762 and 856)	Accept	4.8
FS1275.207	632.33	"Jacks Point" (Submitter number 762 and 856)	Accept	4.8
FS1275.208	632.34	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.9
FS1275.209	632.35	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.2
FS1275.210	632.36	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.2
FS1275.211	632.37	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.5

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1275.212	632.38	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.213	632.39	"Jacks Point" (Submitter number 762 and 856)	Reject	4.6
FS1275.214	632.40	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.9
FS1275.215	632.41	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.9
FS1275.216	632.42	"Jacks Point" (Submitter number 762 and 856)	Accept	4.2
FS1275.217	632.43	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.2
FS1275.218	632.44	"Jacks Point" (Submitter number 762 and 856)	Reject	4.3
FS1275.219	632.45	"Jacks Point" (Submitter number 762 and 856)	Accept	4.3
FS1275.220	632.46	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.221	632.47	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.222	632.48	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.223	632.49	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.224	632.50	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.225	632.51	"Jacks Point" (Submitter number 762 and 856)	Accept	4.6
FS1275.226	632.52	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.227	632.53	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.6
FS1275.228	632.54	"Jacks Point" (Submitter number 762 and 856)	Accept	4.7
FS1275.229	632.55	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.8
FS1275.230	632.56	"Jacks Point" (Submitter number 762 and 856)	Accept	4.3
FS1275.231	632.57	"Jacks Point" (Submitter number 762 and 856)	Accept in part	4.3
FS1275.232	632.58	"Jacks Point" (Submitter number 762 and 856)	Accept in part	4.3
FS1275.233	632.59	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.3
FS1275.234	632.60	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	4.4
FS1275.235	632.61	"Jacks Point" (Submitter number 762 and 856)	Accept in Part	7.4
FS1275.236	632.62	"Jacks Point" (Submitter number 762 and 856)	Accept	7.4
FS1275.237	632.63	"Jacks Point" (Submitter number 762 and 856)	Reject	8.2
FS1275.238	632.64	"Jacks Point" (Submitter number 762 and 856)	Accept	Section 5.10

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1275.239	632.65	"Jacks Point" (Submitter number 762 and 856)	Accept	Section 5.10
FS1275.240	632.66	"Jacks Point" (Submitter number 762 and 856)	Accept	Section 5.10
FS1277.10	632.6	Jacks Point Residents and Owners Association	Accept	4.2
FS1277.11	632.7	Jacks Point Residents and Owners Association	Accept in Part	4.2
FS1277.12	632.8	Jacks Point Residents and Owners Association	Accept in Part	4.2
FS1277.13	632.9	Jacks Point Residents and Owners Association	Accept	4.2
FS1277.14	632.10	Jacks Point Residents and Owners Association	Accept	4.3
FS1277.149	762.1	Jacks Point Residents and Owners Association	Accept	7.4
FS1277.15	632.11	Jacks Point Residents and Owners Association	Accept in part	4.3
FS1277.150	762.2	Jacks Point Residents and Owners Association	Accept in Part	2.1
FS1277.151	762.3	Jacks Point Residents and Owners Association	Accept in Part	7.2
FS1277.152	762.4	Jacks Point Residents and Owners Association	Accept in Part	8.1
FS1277.153	762.5	Jacks Point Residents and Owners Association	Accept in Part	7.4
FS1277.154	762.6	Jacks Point Residents and Owners Association	Accept in Part	Section 5.10
FS1277.155	762.7	Jacks Point Residents and Owners Association	Accept in Part	7.4
FS1277.16	632.12	Jacks Point Residents and Owners Association	Reject	4.3
FS1277.17	632.13	Jacks Point Residents and Owners Association	Accept in Part	4.4
FS1277.18	632.14	Jacks Point Residents and Owners Association	Accept	4.5
FS1277.19	632.15	Jacks Point Residents and Owners Association	Accept	4.5
FS1277.20	632.16	Jacks Point Residents and Owners Association	Accept in Part	4.5, 4.6
FS1277.21	632.17	Jacks Point Residents and Owners Association	Reject	4.5
FS1277.22	632.18	Jacks Point Residents and Owners Association	Reject	4.5
FS1277.23	632.19	Jacks Point Residents and Owners Association	Accept	4.5
FS1277.24	632.20	Jacks Point Residents and Owners Association	Accept in Part	4.6
FS1277.25	632.21	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.26	632.22	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.27	632.23	Jacks Point Residents and Owners Association	Accept	4.6

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1277.28	632.24	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.29	632.25	Jacks Point Residents and Owners Association	Reject	4.6
FS1277.30	632.26	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.31	632.27	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.32	632.28	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.33	632.29	Jacks Point Residents and Owners Association	Reject	4.7
FS1277.34	632.30	Jacks Point Residents and Owners Association	Reject	4.7
FS1277.35	632.31	Jacks Point Residents and Owners Association	Reject	4.7
FS1277.36	632.32	Jacks Point Residents and Owners Association	Accept	4.8
FS1277.37	632.33	Jacks Point Residents and Owners Association	Accept	4.8
FS1277.38	632.34	Jacks Point Residents and Owners Association	Accept in Part	4.9
FS1277.39	632.35	Jacks Point Residents and Owners Association	Accept in Part	4.2
FS1277.40	632.36	Jacks Point Residents and Owners Association	Accept in Part	4.2
FS1277.41	632.37	Jacks Point Residents and Owners Association	Accept in Part	4.5
FS1277.42	632.38	Jacks Point Residents and Owners Association	Accept in Part	4.6
FS1277.43	632.39	Jacks Point Residents and Owners Association	Reject	4.6
FS1277.44	632.40	Jacks Point Residents and Owners Association	Accept in Part	4.9
FS1277.45	632.41	Jacks Point Residents and Owners Association	Accept in Part	4.9
FS1277.46	632.42	Jacks Point Residents and Owners Association	Accept	4.2
FS1277.47	632.43	Jacks Point Residents and Owners Association	Accept in Part	4.2
FS1277.48	632.44	Jacks Point Residents and Owners Association	Reject	4.3
FS1277.49	632.45	Jacks Point Residents and Owners Association	Accept	4.3
FS1277.50	632.46	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.51	632.47	Jacks Point Residents and Owners Association	Accept in Part	4.6
FS1277.52	632.48	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.53	632.49	Jacks Point Residents and Owners Association	Accept in Part	4.6
FS1277.54	632.50	Jacks Point Residents and Owners Association	Accept in Part	4.6

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1277.55	632.51	Jacks Point Residents and Owners Association	Accept	4.6
FS1277.56	632.52	Jacks Point Residents and Owners Association	Accept in Part	4.6
FS1277.57	632.53	Jacks Point Residents and Owners Association	Accept in Part	4.6
FS1277.58	632.54	Jacks Point Residents and Owners Association	Accept	4.7
FS1277.59	632.55	Jacks Point Residents and Owners Association	Accept in Part	4.8
FS1277.60	632.56	Jacks Point Residents and Owners Association	Accept	4.3
FS1277.61	632.57	Jacks Point Residents and Owners Association	Accept in part	4.3
FS1277.62	632.58	Jacks Point Residents and Owners Association	Accept in part	4.3
FS1277.63	632.59	Jacks Point Residents and Owners Association	Accept in Part	4.3
FS1277.64	632.60	Jacks Point Residents and Owners Association	Accept in Part	4.4
FS1277.65	632.61	Jacks Point Residents and Owners Association	Accept in Part	7.4
FS1277.66	632.62	Jacks Point Residents and Owners Association	Accept	7.4
FS1277.67	632.63	Jacks Point Residents and Owners Association	Reject	8.2
FS1277.68	632.64	Jacks Point Residents and Owners Association	Accept	Section 5.10
FS1277.69	632.65	Jacks Point Residents and Owners Association	Accept	Section 5.10
FS1277.70	632.66	Jacks Point Residents and Owners Association	Accept	Section 5.10
FS1277.8	632.4	Jacks Point Residents and Owners Association	Reject	1.8
FS1277.9	632.5	Jacks Point Residents and Owners Association	Accept in Part	4.2
FS1283.105	762.1	MJ and RB Williams and Brabant	Accept	7.4
FS1283.106	762.2	MJ and RB Williams and Brabant	Accept in Part	2.1
FS1283.107	762.3	MJ and RB Williams and Brabant	Accept in Part	7.2
FS1283.108	762.4	MJ and RB Williams and Brabant	Accept in Part	8.1
FS1283.109	762.5	MJ and RB Williams and Brabant	Accept in Part	7.4
FS1283.110	762.6	MJ and RB Williams and Brabant	Accept in Part	Section 5.10
FS1283.111	762.7	MJ and RB Williams and Brabant	Accept in Part	7.4
FS1283.118	632.4	MJ and RB Williams and Brabant	Reject	1.8
FS1283.119	632.5	MJ and RB Williams and Brabant	Accept in Part	4.2
FS1283.120	632.6	MJ and RB Williams and Brabant	Accept	4.2
FS1283.121	632.7	MJ and RB Williams and Brabant	Accept in Part	4.2
FS1283.122	632.8	MJ and RB Williams and Brabant	Accept in Part	4.2
FS1283.123	632.9	MJ and RB Williams and Brabant	Accept	4.2
FS1283.124	632.10	MJ and RB Williams and Brabant	Accept	4.3
FS1283.125	632.11	MJ and RB Williams and Brabant	Accept in part	4.3
FS1283.126	632.12	MJ and RB Williams and Brabant	Reject	4.3
FS1283.127	632.13	MJ and RB Williams and Brabant	Accept in Part	4.4
FS1283.128	632.14	MJ and RB Williams and Brabant	Accept	4.5
FS1283.129	632.15	MJ and RB Williams and Brabant	Accept	4.5

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1283.130	632.16	MJ and RB Williams and Brabant	Accept in Part	4.5, 4.6
FS1283.131	632.17	MJ and RB Williams and Brabant	Reject	4.5
FS1283.132	632.18	MJ and RB Williams and Brabant	Reject	4.5
FS1283.133	632.19	MJ and RB Williams and Brabant	Accept	4.5
FS1283.134	632.20	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.135	632.21	MJ and RB Williams and Brabant	Accept	4.6
FS1283.136	632.22	MJ and RB Williams and Brabant	Accept	4.6
FS1283.137	632.23	MJ and RB Williams and Brabant	Accept	4.6
FS1283.138	632.24	MJ and RB Williams and Brabant	Accept	4.6
FS1283.139	632.25	MJ and RB Williams and Brabant	Reject	4.6
FS1283.140	632.26	MJ and RB Williams and Brabant	Accept	4.6
FS1283.141	632.27	MJ and RB Williams and Brabant	Accept	4.6
FS1283.142	632.28	MJ and RB Williams and Brabant	Accept	4.6
FS1283.143	632.29	MJ and RB Williams and Brabant	Reject	4.7
FS1283.144	632.30	MJ and RB Williams and Brabant	Reject	4.7
FS1283.145	632.31	MJ and RB Williams and Brabant	Reject	4.7
FS1283.146	632.32	MJ and RB Williams and Brabant	Accept	4.8
FS1283.147	632.33	MJ and RB Williams and Brabant	Accept	4.8
FS1283.148	632.34	MJ and RB Williams and Brabant	Accept in Part	4.9
FS1283.149	632.35	MJ and RB Williams and Brabant	Accept in Part	4.2
FS1283.150	632.36	MJ and RB Williams and Brabant	Accept in Part	4.2
FS1283.151	632.37	MJ and RB Williams and Brabant	Accept in Part	4.5
FS1283.152	632.38	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.153	632.39	MJ and RB Williams and Brabant	Reject	4.6
FS1283.154	632.40	MJ and RB Williams and Brabant	Accept in Part	4.9
FS1283.155	632.41	MJ and RB Williams and Brabant	Accept in Part	4.9
FS1283.156	632.42	MJ and RB Williams and Brabant	Accept	4.2
FS1283.157	632.43	MJ and RB Williams and Brabant	Accept in Part	4.2
FS1283.158	632.44	MJ and RB Williams and Brabant	Reject	4.3
FS1283.159	632.45	MJ and RB Williams and Brabant	Accept	4.3
FS1283.160	632.46	MJ and RB Williams and Brabant	Accept	4.6
FS1283.161	632.47	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.162	632.48	MJ and RB Williams and Brabant	Accept	4.6
FS1283.163	632.49	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.164	632.50	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.165	632.51	MJ and RB Williams and Brabant	Accept	4.6
FS1283.166	632.52	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.167	632.53	MJ and RB Williams and Brabant	Accept in Part	4.6
FS1283.168	632.54	MJ and RB Williams and Brabant	Accept	4.7
FS1283.169	632.55	MJ and RB Williams and Brabant	Accept in Part	4.8
FS1283.170	632.56	MJ and RB Williams and Brabant	Accept	4.3
FS1283.171	632.57	MJ and RB Williams and Brabant	Accept in part	4.3
FS1283.172	632.58	MJ and RB Williams and Brabant	Accept in part	4.3
FS1283.173	632.59	MJ and RB Williams and Brabant	Accept in Part	4.3
FS1283.174	632.60	MJ and RB Williams and Brabant	Accept in Part	4.4
FS1283.175	632.61	MJ and RB Williams and Brabant	Accept in Part	7.4
FS1283.176	632.62	MJ and RB Williams and Brabant	Accept	7.4
FS1283.177	632.63	MJ and RB Williams and Brabant	Reject	8.2
FS1283.178	632.64	MJ and RB Williams and Brabant	Accept	Section 5.10
FS1283.179	632.65	MJ and RB Williams and Brabant	Reject	Section 5.10
FS1283.180	632.66	MJ and RB Williams and Brabant	Accept	Section 5.10
FS1286.46	537.37	Mr M and Mrs J Henry	Accept in Part	4.1-5.13
FS1286.47	537.38	Mr M and Mrs J Henry	Accept in Part	2.1
FS1286.48	537.39	Mr M and Mrs J Henry	Accept in Part	4.1-4.13

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1286.78	830.5	Mr M and Mrs J Henry	Accept in Part	2.1
FS1289.13	501.13	Oasis In The Basin Association	Accept in Part	2.1
FS1289.21	501.21	Oasis In The Basin Association	Accept in Part	2.1
FS1289.28	338.6	Oasis In The Basin Association	Accept in Part	2.1
FS1289.3	501.3	Oasis In The Basin Association	Accept in Part	2.1
FS1292.41	537.37	Roger and Carol Wilkinson	Accept in Part	4.1-5.13
FS1292.42	537.38	Roger and Carol Wilkinson	Accept in Part	2.1
FS1292.43	537.39	Roger and Carol Wilkinson	Accept in Part	4.1-4.13
FS1292.88	522.39	Roger and Carol Wilkinson	Accept in Part	General
FS1292.89	522.40	Roger and Carol Wilkinson	Accept in Part	2.1
FS1292.90	522.41	Roger and Carol Wilkinson	Accept in Part	4.1-5.13
FS1301.12	635.42	Transpower New Zealand Limited (Transpower)	Accept in Part	4.3
FS1301.21	1366.4	Transpower New Zealand Limited (Transpower)	Accept in Part	General
FS1301.22	1366.5	Transpower New Zealand Limited (Transpower)	Accept in Part	2.1, 8.8
FS1301.23	561.5	Transpower New Zealand Limited (Transpower)	Accept in Part	2.1
FS1313.73	145.22	C/- Boffa Miskell Ltd	Accept in Part	General
FS1313.81	145.32	Darby Planning LP	Accept	1.7
FS1316.10	632.10	Harris-Wingrove Trust	Accept	4.3
FS1316.11	632.11	Harris-Wingrove Trust	Accept in part	4.3
FS1316.110	762.1	Harris-Wingrove Trust	Accept	7.4
FS1316.111	762.2	Harris-Wingrove Trust	Accept in Part	2.1
FS1316.112	762.3	Harris-Wingrove Trust	Accept in Part	7.2
FS1316.113	762.4	Harris-Wingrove Trust	Accept in Part	8.1
FS1316.114	762.5	Harris-Wingrove Trust	Accept in Part	7.4
FS1316.115	762.6	Harris-Wingrove Trust	Accept in Part	Section 5.10
FS1316.116	762.7	Harris-Wingrove Trust	Accept in Part	7.4
FS1316.12	632.12	Harris-Wingrove Trust	Reject	4.3
FS1316.13	632.13	Harris-Wingrove Trust	Accept in Part	4.4
FS1316.14	632.14	Harris-Wingrove Trust	Accept	4.5
FS1316.15	632.15	Harris-Wingrove Trust	Accept	4.5
FS1316.16	632.16	Harris-Wingrove Trust	Accept in Part	4.5, 4.6
FS1316.17	632.17	Harris-Wingrove Trust	Reject	4.5
FS1316.18	632.18	Harris-Wingrove Trust	Reject	4.5
FS1316.19	632.19	Harris-Wingrove Trust	Accept	4.5
FS1316.20	632.20	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.21	632.21	Harris-Wingrove Trust	Accept	4.6
FS1316.22	632.22	Harris-Wingrove Trust	Accept	4.6
FS1316.23	632.23	Harris-Wingrove Trust	Accept	4.6
FS1316.24	632.24	Harris-Wingrove Trust	Accept	4.6
FS1316.25	632.25	Harris-Wingrove Trust	Reject	4.6
FS1316.26	632.26	Harris-Wingrove Trust	Accept	4.6
FS1316.27	632.27	Harris-Wingrove Trust	Accept	4.6
FS1316.28	632.28	Harris-Wingrove Trust	Accept	4.6
FS1316.29	632.29	Harris-Wingrove Trust	Reject	4.7
FS1316.30	632.30	Harris-Wingrove Trust	Reject	4.7
FS1316.31	632.31	Harris-Wingrove Trust	Reject	4.7
FS1316.32	632.32	Harris-Wingrove Trust	Accept	4.8
FS1316.33	632.33	Harris-Wingrove Trust	Accept	4.8
FS1316.34	632.34	Harris-Wingrove Trust	Accept in Part	4.9
FS1316.35	632.35	Harris-Wingrove Trust	Accept in Part	4.2

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1316.36	632.36	Harris-Wingrove Trust	Accept in Part	4.2
FS1316.37	632.37	Harris-Wingrove Trust	Accept in Part	4.5
FS1316.38	632.38	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.39	632.39	Harris-Wingrove Trust	Reject	4.6
FS1316.4	632.4	Harris-Wingrove Trust	Reject	1.8
FS1316.40	632.40	Harris-Wingrove Trust	Accept in Part	4.9
FS1316.41	632.41	Harris-Wingrove Trust	Accept in Part	4.9
FS1316.42	632.42	Harris-Wingrove Trust	Accept	4.2
FS1316.43	632.43	Harris-Wingrove Trust	Accept in Part	4.2
FS1316.44	632.44	Harris-Wingrove Trust	Reject	4.3
FS1316.45	632.45	Harris-Wingrove Trust	Accept	4.3
FS1316.46	632.46	Harris-Wingrove Trust	Accept	4.6
FS1316.47	632.47	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.48	632.48	Harris-Wingrove Trust	Accept	4.6
FS1316.49	632.49	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.5	632.5	Harris-Wingrove Trust	Accept in Part	4.2
FS1316.50	632.50	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.51	632.51	Harris-Wingrove Trust	Accept	4.6
FS1316.52	632.52	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.53	632.53	Harris-Wingrove Trust	Accept in Part	4.6
FS1316.54	632.54	Harris-Wingrove Trust	Accept	4.7
FS1316.55	632.55	Harris-Wingrove Trust	Accept in Part	4.8
FS1316.56	632.56	Harris-Wingrove Trust	Accept	4.3
FS1316.57	632.57	Harris-Wingrove Trust	Accept in part	4.3
FS1316.58	632.58	Harris-Wingrove Trust	Accept in part	4.3
FS1316.59	632.59	Harris-Wingrove Trust	Accept in Part	4.3
FS1316.6	632.6	Harris-Wingrove Trust	Accept	4.2
FS1316.60	632.60	Harris-Wingrove Trust	Accept in Part	4.4
FS1316.61	632.61	Harris-Wingrove Trust	Accept in Part	7.4
FS1316.62	632.62	Harris-Wingrove Trust	Accept	7.4
FS1316.63	632.63	Harris-Wingrove Trust	Reject	8.2
FS1316.64	632.64	Harris-Wingrove Trust	Accept	Section 5.10
FS1316.65	632.65	Harris-Wingrove Trust	Accept	Section 5.10
FS1316.66	632.66	Harris-Wingrove Trust	Accept	Section 5.10
FS1316.7	632.7	Harris-Wingrove Trust	Accept in Part	4.2
FS1316.8	632.8	Harris-Wingrove Trust	Accept in Part	4.2
FS1316.9	632.9	Harris-Wingrove Trust	Accept	4.2
FS1322.1	157.3	Juie Q.T. Limited	Accept in Part	2.1
FS1322.109	535.32	Juie Q.T. Limited	Accept in Part	General
FS1322.110	535.33	Juie Q.T. Limited	Accept in Part	2.1
FS1322.111	535.34	Juie Q.T. Limited	Accept in Part	General
FS1322.112	535.35	Juie Q.T. Limited	Accept in Part	7.2
FS1322.119	594.8	Juie Q.T. Limited	Accept in Part	2.1, 6.1
FS1322.2	166.8	Juie Q.T. Limited	Accept in Part	2.1
FS1322.35	532.31	Juie Q.T. Limited	Accept in Part	General
FS1322.36	532.32	Juie Q.T. Limited	Accept in Part	2.1
FS1322.37	532.33	Juie Q.T. Limited	Accept in Part	2.1
FS1322.38	532.34	Juie Q.T. Limited	Accept in Part	7.2
FS1322.72	534.32	Juie Q.T. Limited	Accept in Part	General
FS1322.73	534.33	Juie Q.T. Limited	Accept in Part	2.1
FS1322.74	534.34	Juie Q.T. Limited	Accept in Part	General
FS1322.75	534.35	Juie Q.T. Limited	Accept in Part	7.2
FS1325.13	367.5	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	8.3

Further Submission No	Original Point No	Submitter	Commissioners' Recommendation	Report Reference
FS1331.19	512.12	Mount Crystal Limited	Accept in Part	2.1, 7.1-8.12
FS1331.20	512.14	Mount Crystal Limited	Accept in Part	2.1, 7.1-8.12
FS1331.21	512.13	Mount Crystal Limited	Accept in Part	2.1
FS1336.5	145.32	Peninsula Bay Joint Venture	Accept	1.7
FS1340.41	166.8	Queenstown Airport Corporation	Accept in Part	2.1
FS1346.1	762.2	Vivo Capital Limited	Accept in Part	2.1
FS1347.32	373.15	Lakes Land Care	Accept in Part	4.8
FS1347.93	625.13	Lakes Land Care	Accept in Part	4.3
FS1352.4	529.4	Kawarau Village Holdings Limited	Accept in Part	General
FS1352.5	529.5	Kawarau Village Holdings Limited	Accept in Part	2.1
FS1352.6	529.6	Kawarau Village Holdings Limited	Accept in Part	General

Appendix 3

Summary of additional recommendations to Council:

- (1) Council resolve to withdraw the incorporation by a reference on the QLDC Land Development and Subdivision Code of Practice (see Section 3.1 of our Report);
- (2) Confirming the Chair's 22 May 2017 Minute, we recommend the Council progress a variation to insert two new policies in our renumbered Section 27.2 to provide a policy framework supporting non-complying activity rules governing subdivision of a residential flat from a residential unit and subdivision resulting in the division of a residential building platform (refer Section 4.2).
- (3) We recommend that Council consider whether a variation of the PDP is required to provide greater policy guidance as to when vesting of land in Council will be considered acceptable (refer Section 4.6);
- (4) We recommend that Council consider whether a variation of the PDP is required to provide greater policy guidance as to the extent of mitigation required when avoidance of adverse effects from treatment and disposal of sewage cannot reasonably be achieved (refer Section 4.6 above);
- (5) We recommend that Council consider progressing a variation of the PDP to amend recommended policy 27.2.5.16 to provide for electricity and telecommunication connections to the margins of defined building platforms (where applicable) (refer Section 4.6);
- (6) Again, confirming the Chair's 22 May 2017 Minute, we recommend that Council consider progressing a variation of the PDP to insert policy guidance as to when esplanade strips and reserves might be reduced in width or waived entirely, and as to when esplanade strips rather than reserves might be required (refer Section 4.8 above).
- (7) As per the Chair's 22 May 2017 Minute, we recommend that Council consider progressing a variation of the PDP to insert policy provision for unit title or cross lease subdivisions of existing approved multi-unit developments (refer Section 4.9 above).
- (8) As per the Chair's 22 May 2017 Minute we recommend Council consider progressing a variation of the PDP to insert a policy framework for developments with a structure plan, identifying, in particular, what a structure plan is and what it must include in order to receive the benefit of less restrictive activity status (refer Section 4.9 above).
- (9) We recommend that Council review the location specific objectives and policies contained in notified Section 27.7 of the PDP to identify if any provisions are no longer required, or require amendment to reflect the current status of the development concerned, and if so, progress a variation of the PDP to address same (refer Section 5.13 above).
- (10) We recommend that Council review the site-specific standards in what is now Section 27.7 to identify if any might be deleted or recast to better perform the role the Council

intends for them, and if so, progress a variation of the PDP to address same (refer Section 8.2 above)

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 8

Report and Recommendations of Independent Commissioners Regarding
Chapter 30, Chapter 35 and Chapter 36

Commissioners

Denis Nugent (Chair)

Calum MacLeod

Mark St Clair

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Appendix 1: Chapter 30 Energy and Utilities as Recommended

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Appendix 4: Recommendations on Submissions and Further Submissions

Appendix 5: Recommendations to Stream 10 Panel on Definitions

Appendix 6: Recommendations on Submission to Stream 10 Panel

PART A: INTRODUCTORY MATTERS

1. PRELIMINARY

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
Aurora	Aurora Energy Limited
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
House Movers	House Movers Section of New Zealand Heavy Haulage Association (Inc), Jones Contracting Queenstown Ltd, King House Removals Ltd, Fulton Hogan Heavy Haulage Ltd, Transit Homes Ltd, Patterson Contracting Otago Ltd and Scobies Transport Ltd
Jacks Point Group	Jack's Point Residential No.2 Ltd, Jack's Point Village Holdings Ltd, Jack's Point Developments Ltd, Jack's Point Land Ltd, Jack's Point Land No. 2 Ltd, Jack's Point Management Ltd, Henley Downs Land Holdings Ltd, Henley Downs Farm Holdings Ltd, Coneburn Preserve Holdings Ltd, Willow Pond Farm Ltd and Jacks Point Residents and Owners Association
NZEC 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NESETA 2009	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF 2008	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008
NESTF 2016	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFWM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSUDC 2016	National Policy Statement on Urban Development Capacity 2016
NZTA	New Zealand Transport Agency

ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation Ltd
QPL	Queenstown Park Ltd
RPL	Remarkables Park Ltd
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Telecommunication Companies Transpower	Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Two Degrees Mobile Limited and Chorus New Zealand Ltd Transpower New Zealand Limited

1.2. Topics Considered

2. The subject matter of the Stream 5 hearing was Chapters 30, 35 and 36 of the PDP (Hearing Stream 5). Each of these are District Wide chapters.
3. Chapter 30 deals with energy and utilities. In terms of energy, it is concerned both with the generation of electricity and encouraging energy efficiency. The provisions relating to utilities recognise that they are essential to the servicing and functioning of the District, but also seek to achieve a balance between the competing effects of utilities and other land uses.
4. Chapter 35 deals with temporary activities and relocated buildings. The provisions recognise that these activities can occur in any zone subject to appropriate controls on adverse effects.
5. Chapter 36 is concerned with noise. The general purpose of the chapter is to manage noise effects from activities throughout the District.

1.3. Hearing Arrangements

6. The hearings were held in Queenstown on 12th, 13th and 15th September 2016, and in Wanaka on 14th September 2016. The Council's written reply, in the form of legal submissions and evidence, was received on 23rd September 2016.
7. Parties heard from on Stream 5 matters were:

Council

- Sarah Scott and Katherine Hockly (Counsel)
- Kimberley Banks (author of the Section 42A Report on Chapter 35)
- Craig Barr (author of the Section 42A Report on Chapter 30)
- Dr Stephen Chiles

- Ruth Evans (author of the Section 42A Report on Chapter 36)

QAC¹

- Rebecca Wolt (Counsel)
- Christopher Day
- Kirsty O’Sullivan
- Scott Roberts

Jet Boating New Zealand²

- Eddie McKenzie

Jacks Point Group³

- Maree Baker-Galloway (Counsel)
- Chris Ferguson

Michael Farrier⁴

NZTA⁵

- Anthony MacColl

Real Journeys Limited⁶ and Te Anau Developments Limited⁷

- Fiona Black

Aurora Energy Limited⁸

- Bridget Irving (Counsel)
- Joanne Dowd
- Stephen Sullivan

John Walker⁹

House Movers¹⁰

- Stuart Ryan (Counsel)
- Graham Scobie

QPL¹¹ and RPL¹²

- Brian Fitzpatrick

1 Submission 433
 2 Submission 758
 3 Submission 762 and Further Submissions 1275 and 1277
 4 Submission 752
 5 Submission 719
 6 Submission 621 and Further Submission 1341
 7 Submission 607 and Further Submission 1342
 8 Submission 635
 9 Submission 292
 10 Submission 496
 11 Submission 806 and Further Submission 1097
 12 Further Submission 1117

Vodafone New Zealand Ltd¹³, Spark New Zealand Trading Ltd¹⁴ and Chorus New Zealand Ltd¹⁵

- Matthew McCallum-Clarke
- Graeme McCarrison
- Colin Clune

Totally Tourism Ltd¹⁶ and Skyline Enterprises Ltd¹⁷

- Sean Dent

Transpower¹⁸

- Ainsley McLeod
- Andrew Renton

8. In addition, a statement of evidence lodged by Megan Justice on behalf of PowerNet Ltd¹⁹ was tabled. Mr David Cooper lodged a statement of evidence on behalf of Federated Farmers of New Zealand²⁰ and tabled a summary of his evidence. Finally, a letter from Rob Owen of the New Zealand Defence Force²¹ dated 8 September 2016 was tabled.
9. Neither Ms Justice, Mr Cooper nor Mr Owen appeared at the hearing in relation to these documents. While we have considered these statements of evidence, our inability to question the witnesses limited the weight we could put on the evidence.

1.4. Procedural Steps and Issues

10. The hearing of Stream 5 proceeded on the basis of the pre-hearing general directions made in the Panel's Minutes summarised in Report 1²².
11. Specific to the Stream 5 hearing, Counsel for Lake Hayes Cellar Limited (LHC)²³ lodged a Memorandum dated 23 August 2016 seeking clarification as to whether the submissions points of LHC on Chapter 36 would be heard or deferred consistent with the Chair's Minute of 17 June 2016. By way of a Minute dated 24 August 2016, the Chair confirmed the deferment of LHC's submission to the mapping hearings.
12. The Chair issued a Minute on 26 August 2016 confirming that the submissions lodged by Mr Manners-Wood²⁴ were not relevant to Chapter 36 and, consequently, that he would not be heard in Stream 5.
13. By way of a Memorandum dated 30 August 2016, counsel for the Council sought that one full day be allocated for the Council opening on 12 September 2016. Provision was duly made for the Council to have that amount of hearing time.

¹³ Submission 179 and Further Submission 1208
¹⁴ Submission 191 and Further Submission 1253
¹⁵ Submission 781 and Further Submission 1106
¹⁶ Submission 571
¹⁷ Submission 574
¹⁸ Submission 805
¹⁹ Submission 251 and Further Submission 1259
²⁰ Submission 600 and Further Submission 1132
²¹ Submission 1365
²² Report 1, Section 1.5
²³ Submission 767
²⁴ Submissions 213 and 220

14. Counsel for Aurora Energy Limited filed a Memorandum on 1 September 2016 seeking leave to file its evidence by 12pm on 9 September 2016, 5 working days after the time specified in the notice of hearing. The Chair replied by way of a Minute dated 1 September 2016 refusing the full extension sought, but granting an extension to 10am on 5 September 2016 (1 working day).
15. On 16 September 2016, Counsel for Transpower filed a Memorandum suggesting a proposed controlled activity rule to apply to activities adjacent to Transpower's Frankton Substation. This was in response to questions put to Transpower's witnesses in the hearing.
16. In response to the Transpower Memorandum, the Panel received a Memorandum filed by Counsel for PR and MM Arnott suggesting that there was no jurisdiction for the Panel to consider the rule proposed by Transpower.
17. The Chair responded to both of these memoranda in a Minute dated 20 September 2016. The Chair reviewed the original submission of Transpower and concluded the new proposed rule was within the scope of the original submission.
18. The Hearing Panel issued a Minute dated 28 September 2016 seeking clarification from the Council of the formulation 1-2 used in notified Table 5 in Rule 36.6.3 and whether that was a typographical error consistent with the error identified by the Council in notified Table 5 in Rule 36.7. Counsel for the Council replied by Memorandum on 28 September 2016 that it was a similar typographical error and expressed the opinion that the correction of it would fall within the category of minor correction under clause 16(2) of the First Schedule to the Act.
19. On 24 May 2017 we issued a Minute requiring caucusing between Mr Barr and Mr McCallum-Clark to provide the Panel with advice on ensuring the rules proposed by the Council and Telecommunications Companies were consistent with the NESTF 2016.
20. On 25 September 2017 we received a Joint Witness Statement²⁵ from Mr Barr and Mr McCallum-Clark recording their agreement on amendments necessary to a number of rules to ensure consistency with the NESTF 2016. This also recorded one area of disagreement in relation to the height of poles in the Rural Character Landscapes in the Rural Zone.
21. Mr Barr and Mr McCallum-Clark agreed there was scope within the submissions from the Telecommunication Companies²⁶ for the amendments they proposed so as to ensure consistency of the PDP with NESTF 2016. We accept the agreed amendments for the reasons set out in the Joint Witness Statement and incorporate the recommended changes into our recommendations without further discussion. We discuss the one area of disagreement when discussing notified Rule 30.4.14 below.

1.5. Statutory Considerations

22. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We

²⁵ Joint Witness Statement of Craig Barr and Matthew McCallum-Clark – Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 – Energy and Utilities Chapter (30), dated 25 September 2017

²⁶ Submissions 179, 191, 421 and 781

have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.

23. Some of the matters identified in Report 1 are either irrelevant or only have limited relevance to the objectives, policies and other provisions we had to consider. The NPSFWM 2014 is in this category. The NPSET 2008, the NPSREG 2011 and the NPSUDC 2016 do, however, have more relevance to the matters before us. We discuss those further below.
24. The section 42A reports on the matters before us drew our attention to objectives and policies in the RPS and proposed RPS the reporting officers considered relevant. To the extent necessary, we discuss those in the context of the particular provisions in the three Chapters.
25. The NPSET 2008 sets out objectives and policies which recognise the national benefits of the electricity transmission network, manage the environmental effects of that network, and manage the adverse effects of other activities on the transmission network. The network is owned and operated by Transpower. In this District, the network consists of a transmission line from Cromwell generally following the Kawarau River before crossing through Shotover Country and Frankton Flats to Transpower's Frankton substation, which also forms part of the network.
26. Relevant to the application of the NPSET 2008 are the NESET 2009. These set standards to give effect to certain policies in the NPSET 2008.
27. The NPSGEG 2011 sets out objectives and policies to enable the sustainable management of renewable electricity generation under the Act.
28. The NPSFWM 2014 sets out objectives and policies in relation to the quality and quantity of freshwater. Objective C seeks the integrated management of land uses and freshwater, and Objective D seeks the involvement of iwi and hapu in the management of freshwater. To the extent that these are relevant, we have taken this NPS into account.
29. The NPSUDC 2016 is relevant to the extent that it requires that local authorities satisfy themselves that adequate infrastructure is available to support short and medium term urban development capacity.
30. Finally, the NESTF 2008 applied at the time of the hearing. These standards defined the activity status of various telecommunication facilities and applied conditions on telecommunication facilities and activities. After the completion of the hearing, these Standards were replaced with the NESTF 2016. The NESTF 2016 sets out standards for various telecommunication facilities and provides that those facilities are permitted activities if the standards are complied with. Where the standards are not complied with, the activity status in the district plan comes into play. Where items of significance, or landscapes and habitats of significance, are affected, the district plan rules apply in place of the NES standards. Under s.44A of the Act, if there are any conflicts between the rules in the PDP and the NESTF 2016, the PDP may be amended without following the Schedule 1 process. Thus, if we find any such conflict, we will recommend amendments to the PDP to remove the conflict, whether or not submissions sought such amendments.
31. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we

have incorporated our evaluation of changes we have recommended into the report that follows, rather than provide a separate evaluation of how the requirements of section 32AA are met.

PART B: CHAPTER 30 - ENERGY AND UTILITIES

2. PRELIMINARY

2.1. General Submissions

32. Several submissions require consideration before discussing the provisions in the chapter and the submissions on those provisions. Kain Froud²⁷ supported the chapter generally. As we are recommending changes to the chapter, we recommend his submission be accepted in part.
33. Maggie Lawton²⁸ sought that the Council consider introducing an organic waste collection so as to reduce the amount of waste going into landfills. Although this has some relationship to this chapter, in that the rules of the chapter provide for waste management facilities, we do not consider it is a matter that falls within the Council's resource management functions. Rather it is a matter better dealt with under the Council's Local Government Act functions. On that basis, we recommend this submission be rejected.
34. David Pickard²⁹ has sought a general policy to discourage light pollution throughout the District. This issue has been dealt with in relation to other chapters. The Hearing Panel, differently constituted, that heard Stream 1B has recommended a new policy in chapter 4 that reads:
- Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.*³⁰
35. The same Panel has also recommended that Policy 6.3.5 read:
- Ensure the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including the sense of remoteness where it is an important part of that character.*
36. We consider that these policies give effect to the relief sought by Mr Pickard, but as they are in a different part of the PDP, we recommend his submission be accepted in part.
37. The Telecom Companies³¹ sought that Chapter 30 be amended to provide a framework that supports utilities and manages the adverse effects of activities. This was conditionally supported by Te Anau Developments Limited³². As the overall effect of our recommendations on the submissions on this chapter, in our view, do provide such a framework, we recommend this submission be accepted. The conditional nature of the further submission means it should only be accepted in part.
38. Te Ao Marama Inc³³ sought that those aspects of Chapter 30 which affected freshwater quality and quantity should give effect to the NPSFWM 2014, particularly Objective D and Policy D-1. We have taken those provisions into account in coming to our conclusions on this chapter. We recommend the submission therefore be accepted in part.

²⁷ Submission 19

²⁸ Submission 165

²⁹ Submission 424

³⁰ Policy 4.2.2.10

³¹ Submissions 179.15, 191.13 and 781.14

³² Further Submission FS1342.9

³³ Submission 817

39. Te Anau Developments Ltd³⁴ and Cardrona Alpine Resort Ltd³⁵ sought amendments to the chapter to make special provision to ensure that the development, operation, maintenance and upgrading of energy, utilities and infrastructure related to tourism activities are specifically enabled. Ms Black appeared in support of these submissions. Her evidence focussed on the utility requirements of isolated locations, such as Walter Peak Station and Cardrona Alpine Resort and how specific policies and rules could be amended to assist those requirements. We have taken these matters into account in our consideration of the objectives, policies and rules and consequently recommend that the submissions be accepted in part.

2.2. **Aurora Submission³⁶**

40. While this submission sought a number of amendments to the objectives, policies and rules in Chapter 30, one aspect of the submission, contained in 8 submission points, has an overall goal of having provisions inserted into the PDP to protect certain lines of the Aurora network from the effects of other land uses. In our view, it is more appropriate to consider this matter at the outset rather than a piecemeal approach policy by policy or rule by rule. Further submissions were lodged opposing this aspect of the submission by Federated Farmers³⁷ and Transpower³⁸.

41. Aurora also appeared in respect of this overall objective in Hearing Streams 1 and 4 (each with Hearing Panels differently constituted from this Panel). While our recommendations are based on the submissions and evidence we heard in respect of this submission, we have also had the benefit of reviewing the reports and recommendations of those other hearing panels. In addition, Ms Dowd attached to her evidence copies of the evidence presented to the Stream 1 Hearing Panel, and the evidence and written answers she provided to questions set by the Stream 4 Hearing Panel.

42. The Aurora submission sought corridor protection for what it described as its strategic electricity distribution assets, namely -

- a. All 33kV and 66kV sub-transmission and distribution overhead lines and underground cables;
- b. 11kV overhead line to Glenorchy;
- c. 11kV overhead line between the Cardrona Substation up to the ski fields;
- d. 11kV overhead line to Treble Cone; and
- e. 11kV overhead line to Makarora.

43. The components of the submission are:

Submission Point	Amendment Sought (Summarised)
.1	Insert definition of Critical Electricity Line
.3	Insert definition of Electricity Distribution
.4	Insert definition of Electricity Distribution Line Corridor
.51	Amend Policy 30.2.6.4 to include reference to Critical Electricity Line Corridor
.61	Amend Rule 30.4.10 to include reference to Critical Electricity Line Corridor

³⁴ Submission 607.38, supported by FS1097.561

³⁵ Submission 615.36, supported by FS1105.36 and FS1137.37

³⁶ Submission 635

³⁷ Further submission 1132

³⁸ Further submission 1301

.70	Insert new Rule requiring all buildings (as defined in PDP) plus some other structures and defined tree planting within 10m, and all earthworks over underground cables or within 20m, of the centreline of a Critical Electricity Line Corridor to obtain consent as a restricted discretionary activity
.71	Include a reference in all zones to the new rule sought in point 70
.86	Amend the Planning Maps to show the relevant portions of the Aurora network

44. Thus, the submission sought protection of the lines listed above by, in essence, requiring that all buildings and specified earthworks and tree planting within specified distances of “Critical Electricity Lines” be restricted discretionary activities. We note also, that submission point 42 sought that all subdivision within 32m of the centreline of Critical Electricity Line Corridors be a restricted discretionary activity. That submission point is dealt with in Report 7 – Subdivision.
45. We understood, from both Ms Dowd’s evidence³⁹ and answers to our questions, that the essential purpose was to enable Aurora to be notified of building, planting, earthworks or subdivision activity within the vicinity of these lines so it could ensure landowners or those undertaking works complied with the NZECP 34:2001.
46. In her submissions on behalf of Aurora, Ms Irving submitted that Aurora’s distribution network must be recognised in the PDP to implement the RPS⁴⁰. In response to our questioning, Ms Irving submitted that the proposed RPS should be given more weight than the RPS.
47. The evidence of Ms Dowd, Delta Utility Services Limited⁴¹ Network Policy Manager, dealt in large part with areas of disagreement she had with the rules proposed by Mr Barr in his Section 42A Report. Her conclusion was that the corridor protection measures sought would promote the sustainable management of natural and physical resources and assist Aurora in delivering a robust and reliable power distribution network to the District⁴². In her Summary of Evidence Ms Dowd explained that, while under the NZECP 34:2001 Aurora should be notified if a building is within the minimum safe distances, that does not always occur.
48. Mr Sullivan presented a group of photographs showing instances of buildings or trees located within the distances required by NZECP 34:2001. Unfortunately, no location information was provided with the photographs. However, our knowledge of the area enabled us to identify four photographs as being of commercial buildings in Brownston Street, Wanaka and the date on one of the photographs indicated they were taken in 2008. It was also apparent that several of the photographs related to properties in Central Otago District.
49. Neither Ms Dowd nor Mr Sullivan were able to assist with indicating the actual extent of the problem in Queenstown Lakes District.
50. In his Section 42A report, Mr Barr accepted the approach sought by Aurora, but did not propose its implementation in a manner consistent with that sought by Aurora. In his reply

³⁹ Joanne Dowd, EiC, paragraph 13

⁴⁰ Legal submissions, paragraph 12.

⁴¹ We understand that Delta Utility Services Ltd, a sister company to Aurora, maintains and manages the Aurora network

⁴² Joanne Dowd, EiC, paragraph 69

statement, Mr Barr in large part reaffirmed this view. His differences with Aurora at that point related to the setback distances to be applied in the rule.

51. Two further submissions were lodged on Aurora's submission. That by Transpower was concerned that terminology used in any rule be distinct from that used in the NPSET 2008 and NESET 2009. Ms McLeod, when appearing for Transpower, suggested that distribution line was a better term than sub-transmission line. She also noted that the restrictions sought by Aurora were greater than those applied in respect of the National Grid. Mr Renton, also appearing for Transpower, suggested to us that there had been no demonstration of need for the yard and corridor widths Aurora sought given the nature of the lines used on the Aurora network as compared to those on the National Grid.
52. The further submission lodged by Federated Farmers opposed Aurora's submission in large part. Federated Farmers agreed that there could be a definition of Electricity Distribution, and that an advisory note could be included in the PDP noting that compliance with NZECP 34:2001 is mandatory for buildings, earthworks and when using machinery in close proximity to the electricity distribution network. However, Federated Farmers considered it inappropriate for the PDP to police the NZECP 34:2001 when dealing with local lines. Mr Cooper, Senior Policy analyst at Federated Farmers, tabled evidence in support of this further submission, but was not able to appear due to medical reasons⁴³.
53. In considering this issue, we start by analysing what is actually being sought by Aurora. Aurora has a number of lines passing over, or under in the case of cabled portions, private land. Some of these lines are located within road reserve. We were not provided with a breakdown of the proportions within each category, nor how much was on public reserve land. Ms Dowd did advise us that the network Aurora was seeking these provisions apply to amounts to 263 kilometres of overhead lines and 9 kilometres of underground lines⁴⁴. We received no information as to whether the underground lines referred to were within road reserves or within private property.
54. As we read the rule proposed, the corridor setback requirements would apply whether or not the relevant line was on road reserve, other reserve, or private land. Thus, owners and occupiers of land adjoining a road reserve or other site which contained a line would be affected by the rules to extent that part of their land lay within the 10m, 20m or 32m restriction area. Neither Ms Dowd nor Mr Barr undertook any analysis of how many properties would be affected by the proposed rules.
55. Aurora's position was that the restrictions are imposed by the NZECP 34:2001 so no additional burden is being imposed on the land owner. However, that is not entirely correct. The obligation to obtain a resource consent imposes a financial cost on the applicant, even if only for the Council's processing fees. If Ms Dowd is correct that the process would enable input by Aurora on such proposals⁴⁵, the expectation must be that such applications would be notified in some form. Our understanding is that the costs to the applicant could be substantial just to commence such a process. Unless the Council's fees cover 100% of the processing costs, the Council will also have a financial cost imposed.
56. The purpose of the provisions Aurora propose are, as was explained to us by Ms Dowd and Mr Sullivan, to protect the network from activities that could lead to power outages, and to ensure

⁴³ Explained in an email to the Hearing Panel on 13 September 2016

⁴⁴ Joanne Dowd, Summary of Evidence, paragraph 3.7

⁴⁵ Joanne Dowd, Evidence in Chief, paragraph 13

access remains available for ongoing maintenance. We understood there also to be an element of public safety by ensuring people could not come within such a distance that electricity would arc from the lines on them. These are not matters which come within the definition of reverse sensitivity, which appeared to be the justification Ms Dowd⁴⁶ and Mr Barr⁴⁷ had for their conclusions that some provision should be made. Our understanding is that a reverse sensitivity effect arises when a new activity seeks changes to an existing activity by reason of its adverse effects.

57. Ms Irving confirmed that Aurora is a requiring authority. She advised that Aurora steered away from using its requiring authority powers to protect its infrastructure as it would trigger the Public Works Act and landowners could seek acquisition or some other compensation. We took from this answer that a subsidiary purpose of the Aurora submission was to have controls in place to protect its infrastructure that, under s.85 of the Act, would not create any liability for compensation.
58. The purpose of the PDP is to assist the Council in carrying out its functions in order to achieve the purpose of the Act⁴⁸. The Act recognises that there are certain infrastructure activities, often, as in this case, undertaken by private companies, that are important for the wellbeing of the community by providing, in Part 8, the ability of those infrastructure providers to become requiring authorities and to impose their own mechanisms in a district plan to protect their infrastructure. Neither Ms Dowd nor Mr Barr addressed this option in coming to their conclusions. Nor did they address whether it should be the Council's function to, as Federated Farmers put it, police the NZECP 34:2001 for Aurora. It is not within the Council's functions to administer NZECP 34:2001.
59. We were referred to the proposed RPS as supporting Aurora's submission. The relevant policy⁴⁹ appears to be 4.4.5:
- Protect electricity distribution infrastructure by all of the following:*
- a. Recognising the functional needs of electricity distribution activities;*
 - b. Restricting the establishment of activities that may result in reverse sensitivity effects;*
 - c. Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*
 - d. Protecting existing distribution corridors for infrastructure needs, now and for the future.*
60. The implementation method for district plans is Method 4.1, with no further specificity. We understand that both the policy and Method 4.1 are under appeal. Thus we cannot be certain of the final wording or either. This goes to the weight that can be given these provisions. However, we do not see that Policy 4.4.5 could not be given affect to by the relevant territorial authority recommending that a notice of requirement lodged by Aurora be confirmed. It is not apparent that the policy direction intended by the proposed RPS is that the only method of implementation is that district councils implement rules so as to enable Aurora to be aware of activities that may breach NZECP 34:2001.
61. On this last point, we are not certain that the objective, policy and rule framework proposed by Aurora achieves the outcome of increasing its awareness of such activities. The discretion

⁴⁶ Joanne Dowd, Evidence in Chief, paragraph 48

⁴⁷ Section 42A Report, paragraph 8.7

⁴⁸ Section 72

⁴⁹ As the hearing predated the ORC releasing its decisions on the proposed RPS, Ms Irving's submissions referred to the notified version.

as to notification lies with the Council⁵⁰. More certainty would be provided to Aurora by the application of s.176(1)(b) if the provisions were included in the PDP by way of a notice of requirement. In addition, any person requiring the approval of Aurora under that section would not be subject to the regulatory charges required for a resource consent. Thus, that method is more efficient for both Aurora and the landowners involved.

62. There is also a question as to whether the proposed rule provides any benefit to an applicant. While it is clearly within the powers of the Council to grant consent to a restricted discretionary activity, it appears that the provisions of NZECP 34:2001⁵¹ are such that holding such a consent would not necessarily allow the relevant work to proceed.
63. Finally, we have a concern that if the Council were to accede to Aurora's request, it would be imposing restrictions on a large number of landowners who may not have been aware that Aurora's submission could directly affect their use of their land. While the proposed objectives, policies and rules were clearly summarised, the extent of the land which could be affected by such provisions was not explicitly set out in the summary⁵². The summary refers to the maps attached to the submission, but those maps are not of such a scale as to clearly show every site potentially affected. As we noted above, affected land includes land adjoining land on which lines are located as well as land on which they are located. We understood that no attempt was made by Aurora to advise potentially affected landowners of the submission. One of the benefits of the notice of requirement method is that each affected landowner is directly notified.
64. Having considered the proposed provisions in terms of s.32AA, we conclude there is a practical alternative method available to Aurora which is both more effective and more efficient than the provisions proposed in the submission. We are also not satisfied that the Council has any need to ensure that NZECP 34:2001 is complied with – it is not one of its functions.
65. Thus, we recommend that those parts of Aurora's submission seeking the inclusion of objectives, policies and rules directed to imposing resource consent requirements within set distances of Aurora's lines or cables should be rejected.
66. We do, however, consider that Aurora's concerns can be addressed by improving the information in the PDP. Section 30.3.2.3 advises readers that NZECP 34:2001 is applicable. We consider that, if this was supplemented by showing the relevant overhead lines portion of the Aurora network, as shown in Annexure 2 to Submission 635, on the Planning Maps, landowners would have increased awareness of their obligations. When we raised this option with Ms Irving at the hearing she conceded this would go some way achieving Aurora's goal, but that it would prefer rules.
67. We will deal with other parts of Aurora's submission in discussion of the detailed PDP provisions below.

2.3. Section 30.1 - Purpose

68. This section notes the strategic importance of energy and utilities. Subsection 30.1.1 explains the value of energy, and section 30.1.2 sets out the value of utilities.

⁵⁰ Section 95A, or s.95E if limited notification.

⁵¹ The Introduction to the Code states: "*Compliance with this Code is mandatory.*"

⁵² See Submission Point 635.86 summarised on pages 1332 and 1333 of the summary

69. Section 30.1 was supported by one submitter⁵³ and a second submitter sought an amendment to refer to electricity transmission⁵⁴. We agree with Mr Barr that there is no need to amend this opening sentence. Electricity transmission clearly falls within the term “essential infrastructure”.
70. A number of submitters sought amendments to section 30.1.1 to emphasise aspects of design that could enhance energy efficiency⁵⁵. We are of the view that these suggested amendments add little to what is essentially an explanatory section. We do not recommend any changes to section 30.1.1.
71. One submission⁵⁶ supported section 30.1.2 as notified. Transpower⁵⁷ and PowerNet Ltd⁵⁸ each sought non-substantive amendments to the wording of this section. We agree with the further submissions by Contact Energy Ltd that the amendments proposed are, respectively, too specific or add nothing to the section. Mr Barr recommended a minor grammatical amendment to the discussion of reverse sensitivity effects. We agree with that amendment and recommend it be made as a minor change in accordance with Clause 16(2).

3. SECTION 30.2 - OBJECTIVES AND POLICIES

3.1. Objective 30.2.1 and Policies 30.2.1.1 and 30.2.1.2

72. As notified, these read:

30.2.1 The benefits of the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise such resources are recognised as locally, regionally and nationally important in the sustainable management of the District’s resources.

30.2.1.1 Recognise the national, regional and local benefits of the District’s renewable and non-renewable electricity generation activities.

30.2.1.2 Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

73. There were no submissions on this objective and the ensuing policies. In his Section 42A Report Mr Barr raised concerns that the objective and Policy 30.2.1.2 were problematic as they indicated non-renewable energy resources and generation were equally as important as renewable energy resources and generation, when the former were non-complying activities and the latter discretionary. He rightly conceded that there was no jurisdiction available to correct that inconsistency. That is a matter the Council would have to deal with by way of variation.

74. We have two concerns with the objective as notified. Firstly, similar to Mr Barr’s concern, we consider the objective inappropriately focusses on the benefits of utilising non-renewable

⁵³ Submission 238.117. Nine further submissions opposed submission 238 but did not appear to oppose this specific point.

⁵⁴ Submission 805.69, supported by FS1159.5 and opposed by FS1132.65

⁵⁵ Submissions 115.6, 230.6, 238.11, 383.59, 238.118

⁵⁶ Submission 719.147, supported by FS1186.8

⁵⁷ Submission 805.70, supported by FS1211.32 and opposed by FS1186.11

⁵⁸ Submission 251.11, supported by FS1097.89, opposed by FS1186.1 and FS1132.16

energy resources in the District when there is no evidence that such resources exist in the District, and if such resources did exist, the utilisation of them could be inconsistent with the Strategic objectives and policies in Chapters 3 and 6.

75. Our second concern is more one of style. As written, this is not an objective as it does not express an environmental outcome. We consider that this can be remedied as a minor grammatical change in accordance with Clause 16(2) of the First Schedule.
76. We recommend the Council reconsider this objective and the associated policies taking into account the concerns we and Mr Barr have expressed and institute a variation to replace them with more appropriate objective(s) and policies. In the meantime, we recommend the Council make a minor change under Clause 16(2) to objective 30.2.1 so that it reads:

The sustainable management of the District's resources benefits from the District's renewable and non-renewable energy resources and the electricity generation facilities that utilise them.

3.2. Objective 30.2.2 and Policies 30.2.2.1 and 30.2.2.2

77. As notified, these read:

30.2.2 *Recognise that the use and development of renewable energy resources have the following benefits:*

- *Maintain or enhance electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions*
- *Maintain or enhance the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation*
- *Assist in meeting international climate change obligations*
- *Reduce reliance on imported fuels for the purpose of generating electricity*
- *Help with community resilience through development of local energy resources and networks.*

30.2.2.1 *Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:*

- *Recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available*
- *Recognises logistical and technical practicalities associated with renewable electricity generation activities*
- *Provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.*

30.2.2.2 *Enable new technologies using renewable energy resources to be investigated and established in the district.*

78. Again, there were no submissions on this objective or the ensuing policies, and again Mr Barr expressed concerns with them in his Section 42A report. We agree with Mr Barr that they could be improved by including reference to the need to achieve the higher order Strategic Direction objectives and policies in Chapters 3 and 6. We note in particular that Policy 30.2.2.1 appears to be contrary to a number of policies in Chapters 3 and 6, such as 3.3.25, 3.3.30, 3.3.32-35 inclusive, 6.3.15, 6.3.1, 6.3.18, 6.3.24, 6.3.25.

79. We also have concerns that the introductory section of Objective 30.2.2 is again focused on recognising something, rather than expressing an environmental outcome. We are satisfied that can be corrected as a minor grammatical change under Clause 16(2).
80. We recommend the Council reconsider this objective and the ensuing policies to ensure they are consistent with, and give effect to both the NPSREG and the Strategic Objectives and Policies in Chapters 3, 5 and 6. In the interim, we recommend Objective 30.2.2 be rephrased utilising Clause 16(2) to read:

The use and development of renewable energy resources achieves the following:

- a. *It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- b. *It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
- c. *It assists in meeting international climate change obligations;*
- d. *It reduces reliance on imported fuels for the purpose of generating electricity;*
- e. *It helps with community resilience through development of local energy resources and networks.*

3.3. Objective 30.2.3 and Policies

81. As notified these read:

Objective *Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.*

30.2.3.1 *Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.*

30.2.3.2 *Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.*

30.2.3.3 *Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.*

30.2.3.4 *Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale, on a case-by-case basis, with regards to:*

- *landscape values and areas with significant indigenous flora or fauna*
- *recreation and cultural values, including relationships with tangata whenua*
- *amenity values*
- *The extent of public benefit and outcomes of location specific cost-benefit analysis.*

30.2.3.5 *Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.*

30.2.3.6 *To compensate for adverse effects, consideration shall be given to any offset measures and/or environmental compensation including those which benefit the local environment and community affected.*

30.2.3.7 Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

82. The objective⁵⁹ and Policy 30.2.3.7⁶⁰ received submissions in support. The only submissions seeking to amend the provisions were those by the DoC in respect of Policy 30.2.3.4⁶¹ and Policy 30.2.3.6⁶². The amendment sought to Policy 30.2.3.4 sought that the first bullet point reference “significant habitat” for indigenous fauna, consistent with the wording in section 6(c) of the Act. The amendment sought to Policy 30.2.3.6 was to make it consistent with the approach taken by the DoC on Chapter 33.
83. Mr Barr agreed with the DoC’s proposed amendment to Policy 30.2.4, and we agree that such wording is necessary for consistency and because, although indigenous fauna are natural resources, the PDP can only control the habitat of such fauna, not the fauna themselves. Mr Barr also recommended deleting “on a case by case basis” from this policy, although did not provide reasons. We are satisfied that the words are unnecessary in the policy, as assessment is always taken on a case by case basis. We recommend the words be removed as a minor correction under Clause 16(2).
84. Although Mr Barr recommended a minor amendment to Policy 30.2.3.6 in response to the DoC’s submission, he did not discuss the reasoning for this in his Section 42A report. In our view, the policy as notified encompasses the possibility of environmental compensation being used to compensate for a wider range of effects than just effects on indigenous biodiversity (which the DoC submission was focussed on). The inclusion of the reference to biodiversity offsets, as recommended by Mr Barr, does, in our view, link this policy to the provisions in Chapter 33 (which apply in addition to this Chapter where energy resources are to be developed). In addition, we have changed the term shall to must for clarity purposes. We consider that change to be a minor grammatical change under Clause 16(2).
85. Consequently, we recommend that Policies 30.2.3.4 and 30.2.3.6 read as follows:

30.2.3.4 Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:

- a. landscape values and areas of significant indigenous flora or significant habitats of indigenous fauna;*
- b. recreation and cultural values, including relationships with tangata whenua*
- c. amenity values;*
- d. The extent of public benefit and outcomes of location specific cost-benefit analysis.*

30.2.3.6 To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.

3.4. Objective 30.2.4 and Policies

86. As notified, these read:

⁵⁹ Submission 580
⁶⁰ Submission 635
⁶¹ Submission 373.16
⁶² Submission 373.17

Objective *Site layout and building design takes into consideration energy efficiency and conservation.*

30.2.4.1 *Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.*

30.2.4.2 *Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.*

30.2.4.3 *Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.*

30.2.4.4 *Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.*

30.2.4.5 *Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.*

30.2.4.6 *Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*

87. The submissions on these ranged from support⁶³ to support with amendments. NZTA⁶⁴ sought to extend the effect of the objective to include the location of land use development, and to amend Policy 30.2.4.5 to achieve integration of land use and transport planning. QPL⁶⁵ sought to widen the ambit of Policy 30.2.4.5 to give emphasis to public transport, including water taxis and QPL's gondola proposal. Submitter 126 sought that amendments be made so that the location of trees were controlled to avoid shading neighbouring properties.

88. In his Section 42A Report, Mr Barr recommended no changes to this objective and the ensuing policies. In his reply statement, he responded to our questioning during the hearing by recommending a minor change to the objective to make it clear that it was both subdivision layout and site layout that should take into account energy efficiency and conservation.

89. We agree with Mr Barr that the minor word changes to the objective clarifies the outcome sought, and that the outcome was previously implicit given the wording of Policy 30.2.4.2. We do not consider any of the amendments sought by submitters are necessary. The changes sought to the objective would not assist the Council in achieving its functions under the Act. The changes sought to Policy 30.2.4.5 would be more appropriately dealt with in the Transportation Chapter of the PDP. None of them would give effect to the objective.

90. Consequently, the only amendment we recommend is to Objective 30.2.4 so that it reads:

Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.

⁶³ Submission 290

⁶⁴ Submission 719 supported by FS1186 and FS1097

⁶⁵ Submission 806

3.5. Objective 30.2.5 and Policies

91. As notified these read:

Objective *Co-ordinate the provision of utilities as necessary to support the growth and development of the District.*

30.2.5.1 *Essential utilities are provided to service new development prior to buildings being occupied, and activities commencing.*

30.2.5.2 *Ensure the efficient management of solid waste by:*

- *encouraging methods of waste minimisation and reduction such as re-use and recycling*
- *providing landfill sites with the capacity to cater for the present and future disposal of solid waste*
- *assessing trends in solid waste*
- *identifying solid waste sites for future needs*
- *consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source)*
- *providing for the appropriate re-use of decommissioned landfill sites.*

30.2.5.3 *Recognise the future needs of utilities and ensure their provision in conjunction with the provider.*

30.2.5.4 *Assess the priorities for servicing established urban areas, which are developed but are not reticulated.*

30.2.5.5 *Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.*

30.2.5.6 *Encourage low impact design techniques which may reduce demands on local utilities.*

92. Although six submitters supported the objective⁶⁶, each of them sought amendments to it. As notified, the objective read as if it were a policy – it proposed an action rather than an outcome. The amendment proposed by the Telecommunication Companies⁶⁷ overcame that problem and was largely supported by Mr Barr in his Section 42A Report. The amendments proposed by PowerNet⁶⁸ and Transpower⁶⁹ suffered from proposing an alternative action rather than an outcome. Mr Barr’s recommended changes were supported by Mr McCallum-Clark⁷⁰.

93. We agree with Mr Barr’s wording, which achieves the outcome sought by the Telecommunication Companies – a clear outcome that the ensuing policies can give effect to. We recommend objective 30.2.5 read:

⁶⁶ Submissions 179, 191 and 781 (each supported by FS1097), Submission 251 (supported by FS 1186 and FS1097), Submission 805 (supported by FS1186), and Submission 421

⁶⁷ Submissions 179, 191, 421 and 781

⁶⁸ Submission 251

⁶⁹ Submission 805

⁷⁰ Mathew McCallum-Clark, EiC, paragraph 19

30.2.5 *The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.*

94. The only amendment⁷¹ sought to Policy 30.2.5.1 was the deletion of the word “essential” at the commencement of the policy, on the basis that essential utilities were not defined, and the objective applies to all utilities. Mr Barr also suggested the deletion of “and activities commencing” from the end of the policy. However, he provided no reasoning for this and we can find no basis for such a change in the submissions. We accept that the word “essential” should be deleted from the policy, but otherwise leave it unchanged.
95. Submissions 179, 191 and 781 supported Policy 30.2.5.3 and sought that it be retained unaltered. Two submissions⁷² sought amendments to this policy. The amendment sought by Submission 805, which sought the inclusion of statements about protecting utility corridors, was opposed by FS1159 on the basis that it could lead to the policy only applying to utilities that had specified corridors. FS1186 supported submission 805 but sought a different policy wording.
96. Mr Barr did not recommend any amendments to this policy. Ms McLeod considered that the amendments sought by Transpower were no longer necessary, subject to Policy 30.2.6.4 being amended⁷³. We agree with Mr Barr’s approach. The policy does not need additional wording of the type sought by submitters to implement the objective.
97. Mr Barr recommended the deletion of Policy 30.2.5.4⁷⁴, but we are unable to find any submissions seeking its deletion, although Mr McCallum-Clark appeared to support this course of action⁷⁵. We are also unable to find any reasons in the Section 42A Report for the deletion. Having considered the policy, we can see that it may not be directed to implementing the objective, but is more an internal matter for utility providers, including the Council in that role. We agree with Mr Barr that it should be deleted, but consider, that in the absence of submissions seeking its deletion, that can only be achieved by the Council initiating a variation to that end.
98. The Telecommunication Companies⁷⁶ sought the inclusion of an additional policy to identify the positive contribution utilities make to the cultural, social and economic wellbeing of society. Mr Barr recommended acceptance of this submission, with an amendment to the introductory words⁷⁷. We agree that the policy proposed (Reply Version) identifies the benefits of utilities to society within the context of managing the effects of utilities on the environment. However, we consider that this policy is misplaced under Objective 30.2.5. We consider it is more directed to implementing Objective 30.2.6 and we recommend it be located as Policy 30.2.6.3 (with subsequent policies being renumbered).
99. In summary, we recommend the rewording of Objective 30.2.5 as set out above, and other than the deletion of “Essential” from Policy 30.2.5.1, we recommend no changes to the policies under Objective 30.2.5.

⁷¹ By submissions 179, 191 and 781

⁷² Submissions 635 and 805

⁷³ Ainsley McLeod, EiC, paragraph 32(a)

⁷⁴ Section 42A Report, Appendix 1

⁷⁵ Matthew McCallum-Clark, EiC, paragraph 19

⁷⁶ Submissions 179, 191 and 781, supported by FS1121

⁷⁷ The amendment was included in the Reply Version.

3.6. Objective 30.2.6 and Policies

100. As notified these read:

Objective *The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.*

30.2.6.1 *Recognise the need for maintenance or upgrading of a utility to ensure its on-going viability and efficiency.*

30.2.6.2 *Consider long term options and economic costs and strategic needs when considering alternative locations, sites or methods for the establishment or alteration of a utility.*

30.2.6.3 *Encourage the co-location of facilities where operationally and technically feasible.*

30.2.6.4 *Provide for the sustainable, secure and efficient use and development of the electricity transmission network, including within the transmission line corridor, and to protect activities from the adverse effects of the electricity transmission network, including by:*

- *Controlling the proximity of buildings, structures and vegetation to existing transmission corridors*
- *Discouraging sensitive activities from locating within or near to the electricity transmission National Grid Yard to minimise potential reverse sensitivity effects on the transmission network*
- *Managing subdivision within or near to electricity transmission corridors to achieve the outcomes of this policy to facilitate good amenity and urban design outcomes*
- *Not compromising the operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.*

30.2.6.5 *Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing land use, development and/or subdivision in locations which could compromise their safe and efficient operation.*

101. One submission supported this objective⁷⁸, while five sought various amendments⁷⁹. The amendments generally sought that the objective identify that the continued operation and maintenance of utilities supported or enabled community well-being. Mr Barr supported these in a general sense in his Section 42A Report and recommended a hybrid of the versions sought by the submitters. Mr McCallum-Clark supported Mr Barr's recommended amendments⁸⁰.

102. The concern we have with Mr Barr's proposed wording is that it is unclear what the outcome relates to – community well-being, or the establishment, operation and maintenance of utilities to support community well-being. Given the policies designed to implement the objective, we consider it must be the latter outcome that is sought. To achieve this, we recommend that the objective be rephrased to read:

⁷⁸ Submission 600

⁷⁹ Submissions 179, 191 (supported by FS1121), 421, 781 and 805 (supported by FS1186)

⁸⁰ Matthew McCallum-Clark, EiC, paragraph 19

30.2.6 *The establishment, continued operation and maintenance of utilities supports the well-being of the community.*

103. Two submissions supported Policy 30.2.6.1⁸¹, one submission sought its amendment⁸², three submissions sought its replacement⁸³, and one sought its deletion⁸⁴. The amendments sought recognition of regionally significant infrastructure, and provision that maintenance and upgrading was cognisant of environmental constraints. Mr Barr proposed an amendment to include reference to regionally significant infrastructure. In Ms McLeod's view, the amendments sought by Transpower were unnecessary if amended Policy 30.2.6.4 was accepted⁸⁵.

104. This Chapter sits under the Strategic Directions Chapters (3, 4, 5 and 6). The objectives and policies contained within those chapters emphasise the importance of protecting outstanding natural landscapes and features from more than minor adverse effects on key values, and the importance of retaining rural character in other rural areas, and seeking high amenity values in urban areas. Objectives and policies in this chapter are to be read as achieving those strategic outcomes. In addition, in proposing this wording, we have had regard to Policy 4.3.3 of the proposed RPS. The submissions of the Telecommunication Companies seek changes which come closest to reflecting those outcomes. We also note that we generally do not consider policies which merely require recognition of something to be an effective means of implementing an objective. For those reasons, we recommend that Policy 30.2.6.1 read:

30.2.6.1 Provide for the maintenance or upgrading of utilities, including regionally significant infrastructure, to ensure its on-going viability and efficiency, subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.

105. A submission by the Council⁸⁶ sought the correction of a typographical error in Policy 30.2.6.2 by replacing the word "options" with "operational". Federated Farmers⁸⁷ sought that the economic costs of activities adversely effected be included in the policy. Transpower⁸⁸ sought the replacement of this policy with one the submitter contended would better give effect to the NPSET 2008.

106. Mr Barr accepted the amendment proposed by Transpower in his Section 42A report, and in her evidence Ms McLeod supported him for the reasons set out in the Transpower submission⁸⁹. In his reply version, Mr Barr recommended some grammatical changes to avoid repetition and tense changes. Subject to a further minor grammatical change, we accept the amendments to this policy for the reasons given by Ms McLeod. We recommend the policy read:

30.2.6.2 When considering the effects of proposed utility developments, consideration must be given to alternatives, and also to how adverse effects

⁸¹ Submissions 251 (supported by FS1186) and 635

⁸² Submission 805, opposed by FS1186

⁸³ Submissions 179, 191 and 781, opposed by FS1132 and FS1097

⁸⁴ Submission 421

⁸⁵ Ainsley McLeod, EiC, paragraph 32(b)

⁸⁶ Submission 383

⁸⁷ Submission 600, supported by FS1209, opposed by FS1121 and FS1034

⁸⁸ Submission 805, opposed by FS1186

⁸⁹ Ainsley McLeod, EiC, paragraph 32(c)

will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.

107. In paragraph 97 we recommended that a policy proposed under Objective 30.2.5 be located under this policy. We recommend the inserted policy read:

30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:

- a. enabling enhancement of the quality of life and standard of living for people and communities;*
- b. providing for public health and safety;*
- c. enabling the functioning of businesses;*
- d. enabling economic growth;*
- e. enabling growth and development;*
- f. protecting and enhancing the environment;*
- g. enabling the transportation of freight, goods, people;*
- h. enabling interaction and communication.*

108. The only submissions⁹⁰ on Policy 30.2.6.3 sought that it be retained. We recommend that be remain unaltered save for renumbering to 30.2.6.4.

109. One submission⁹¹ sought that policy 30.2.6.4 be retained. Three submissions sought its amendment. Federated Farmers⁹² supported the policy subject to it being confined to referencing the National Grid. Transpower⁹³, while supporting the intent of the policy, sought its replacement with an objective and policy aiming to avoid the establishment of activities that could adversely affect the National Grid. Aurora's submission⁹⁴ sought amendments consistent with its overall approach of obtaining provisions in the PDP to protect its network.

110. Mr Barr recommended some changes to this policy and its relocation under a new objective proposed by Transpower. Ms McLeod⁹⁵ recognised that Mr Barr's amendments went some way to achieving the goal of Transpower's submission, but recommended further changes, particularly to give effect to the NPSET 2008, and having regard to policies in the proposed RPS (notified version). In his reply statement, Mr Barr largely agreed with the policy wording of Ms McLeod as being the most effective way of implementing the proposed Transpower objective (see below – new Objective 30.2.8), subject to an additional clause to support a setback rule protecting the Frankton Substation. This was in response to the description of the potential for electrical hazards around the Frankton Substation described to us by Mr Renton⁹⁶.

111. We have set out above the reasons we do not accept Aurora's submission in respect of protecting its network.

⁹⁰ Submissions, 179, 191, 421 and 781

⁹¹ Submission 251

⁹² Submission 600, supported by FS1209, opposed by FS1034 and FS1159

⁹³ Submission 805, opposed by FS1132

⁹⁴ Submission 635, opposed by FS1132 and FS1301

⁹⁵ Ainsley McLeod, EiC, paragraph 32(e)

⁹⁶ Andrew Renton, EiC, paragraphs 55-77

112. In addition to ensuring the PDP gives effect to the NPSET 2008, we have had regard to Policies 4.3.2, 4.3.4, 4.4.4 and 4.4.5 in the proposed RPS in concluding that the policy wording proposed by Mr Barr in his reply statement is appropriate, and that it be moved from under Objective 30.2.6 and located in association with an objective specifically oriented to the National Grid.
113. Three submissions⁹⁷ supported Policy 30.2.6.5 as notified. Transpower's submission⁹⁸ sought its amendment. Four submissions⁹⁹ sought the creation of two policies out of this policy.
114. Ms McLeod¹⁰⁰ advised in her evidence that she did not consider the amendments sought by Transpower were necessary if the proposed new policies 30.2.6.2 and 30.2.6.4 (albeit moved) were accepted. Mr Barr did not recommend any change to Policy 30.2.6.5.
115. The Telecommunication Companies' submission split the policy into two parts, as set out below

Enable the functioning and enhancement of established network utilities, and their operational and upgrade requirements.

Manage land use, development and/or subdivision and their effects in locations which could compromise their safe and efficient operation of utilities.

116. The first part has essentially been provided for in our recommended Policy 30.2.6.1 set out above. We consider that, with some grammatical changes, the second part better expresses the point of notified Policy 30.2.6.5. As we read it, the policy is focused on managing other activities so as to minimising the potential for those other activities to compromise the operation of utilities. The Telecommunication Companies' submission almost captures that. We recommend the policy read:

30.2.6.5 Manage land use, development and/or subdivision and their effects in locations which could compromise the safe and efficient operation of utilities.

117. Mr Barr recommended the inclusion of an additional policy under this objective to provide a policy basis for the rules he considered should be included to satisfy Aurora's submission regarding its distribution network. Given our conclusions above that the Aurora proposal should be rejected, we do not recommend the inclusion of this additional policy.

3.7. Objective 30.2.7 and Policies

118. As notified these read:

Objective *Avoid, remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on land of high landscape value, and within special character areas.*

30.2.7.1 *Reduce adverse effects associated with utilities by:*

- *Avoiding or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines*

⁹⁷ Submissions 251 (supported by FS186), 635 and 719 (supported by FS1186)

⁹⁸ Submission 805, supported by FS1186 and opposed by FS1132

⁹⁹ Submissions 179 (opposed by FS1132), 191 (opposed by FS1132), 421 and 781

¹⁰⁰ Ainsley McLeod, EiC, paragraph 32(f)

- *Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment*
- *Ensuring that redundant utilities are removed*
- *Using landscaping and or colours and finishes to reduce visual effects*
- *Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*

30.2.7.2 *Require the undergrounding of services in new areas of development where technically feasible.*

30.2.7.3 *Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.*

30.2.7.4 *Take account of economic and operational needs in assessing the location and external appearance of utilities.*

119. Three submissions supported this objective¹⁰¹, while four sought amendments to the objective¹⁰². The submissions seeking amendments sought primarily to include the words “where practicable” and to define the landscape areas and special character areas referred to as being defined in the PDP. In addition, the four Telecommunication Companies¹⁰³ sought the inclusion of an additional policy to read:

Recognise that in some cases it might not be possible for utilities to avoid outstanding natural landscapes, outstanding natural features or identified special character areas and in those situations greater flexibility as to the way that adverse effects are managed may be appropriate.

120. Mr Barr dealt with this matter in some detail in his Section 42A Report¹⁰⁴. He also noted that PowerNet¹⁰⁵ sought amendments to Policy 30.2.7.1 to reflect that it may be difficult for utility providers to reduce the visual effects of their assets. Mr McCallum-Clark explained in his evidence¹⁰⁶ that the requested amendments provide an approach of focussing on the values and attributes of a sensitive environment and referred to provisions in other plans in Canterbury and the Bay of Plenty. He retained this view when he appeared before us¹⁰⁷.

121. We have a number of concerns with Objective 30.2.7, both as notified and as recommended by Mr Barr. As has been noted in other Hearing Reports, we do not consider that adding “avoid, remedy or mitigate” to an objective or policy provides any guidance for decision-makers or other plan users. We also agree with the submitters that, if this objective is solely directed to areas of “high landscape value” then the objective should be clear that it is

¹⁰¹ Submissions 635, 781 and 806

¹⁰² Submissions 179 (supported by FS1097), 191 (supported by FS1097), 421, 719 (supported by FS1160) and 805 (opposed by FS1186)

¹⁰³ Submissions 179, 191, 421 and 781

¹⁰⁴ Section 42A Hearing Report: Chapter 30 Energy and Utilities, Issue 4, pp 37-38

¹⁰⁵ Submission 251, supported by FS1186 and FS1097

¹⁰⁶ Matthew McCallum-Clark, EiC, paragraphs 20-23

¹⁰⁷ Matthew McCallum-Clark, Opening Statement and Summary of Evidence, 15 September 2017, paragraph 6

referring to the areas identified in the PDP as ONLs or ONFs. As notified, Policy 30.2.7.1 clarified that it was ONLs and ONFs that were being referred to.

122. The Hearing Panel for Stream 1B has recommended the following policies:

6.3.17 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.18 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.*

6.3.24 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.25 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*

123. The objectives and policies in Chapter 30 need to give effect to those policies, noting that regionally significant infrastructure is a subset of utilities with a higher status than the generality of utilities.

124. Taking into account the policy direction of Chapter 6, and recognising that the policies under Objective 30.2.7 have the role of defining how it is to be achieved, we consider the objective can be simplified so as to express the overall outcome that is expected. We note that while the focus of the submitters was on the inclusion of the term “high landscape value”, the objective is actually directed to all environments in the District. We consider removing reference to a particular type of environment from the objective will make the outcome sought clearer. The policies are able to identify how it will be achieved in different environments. Consequently, we recommend it read:

30.2.7 *The adverse effects of utilities on the surrounding environment are avoided or minimised.*

125. Submissions on Policy 30.2.7.1 sought:

- a. *Insert “remedying” between “Avoiding” and “or mitigating” in the first bullet point;*¹⁰⁸
- b. *Add “whilst having regard to their technical, operational and locational constraints and their benefits” at the end of the first bullet point;*¹⁰⁹
- c. *Insert “where economically viable and technically feasible” at the end of the fifth bullet point;*¹¹⁰

¹⁰⁸ Submissions 251 (supported by FS1186 and FS1097) and 519 (supported by FS1015, opposed by FS1097)

¹⁰⁹ Submission 805, supported by FS1186

¹¹⁰ Submission 635

- d. *Change the fifth bullet point to read “In Outstanding Natural Landscapes and Outstanding Natural Features using landscaping and colours and finishes to remedy or mitigate visual effects where necessary”¹¹¹; and*
- e. *Delete the final bullet point¹¹².*
126. Two of the Telecommunication Companies sought the retention of this policy, but the insertion of the additional policy quoted above¹¹³.
127. Mr Barr recommended changes to clarify the distinction between rural areas contained within ONLs and ONFs and other rural land in the first two bullet points, but no other changes.
128. In our view the changes sought by the submitters to emphasise locational constraints or economic factors in this policy overlooked the fact that such matters are covered in Policy 30.2.7.4. We do not consider it necessary for this policy to cover every matter of consideration under the objective. It is a combination of all the policies that achieve the outcome. We do agree with Mr Barr that the policy should clearly distinguish between how utilities are to be dealt with in ONLs and on ONFs versus other areas. We further consider the purpose of this policy is to identify how utilities are to be managed to achieve the objective. Thus Mr Barr’s suggested “Provide for utilities”¹¹⁴ is unnecessary. We also take into account the policies from Chapter 6 discussed above. With further minor grammatical changes, we recommend the policy read:
- 30.2.7.1 Manage the adverse effects of utilities on the environment by:*
- a. Avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines, and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;*
 - b. Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;*
 - c. Ensuring that redundant utilities are removed;*
 - d. Using landscaping and or colours and finishes to reduce visual effects;*
 - e. Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*
129. There were five submissions in relation to Policy 30.2.7.2. Three sought amendments inserting wording that the undergrounding be efficient, effective and operationally feasible¹¹⁵. Two sought additional wording with the effect of requiring undergrounding be economically viable¹¹⁶. No specific evidence was provided in support of these amendments. Ms McLeod, in her evidence on behalf of Transpower¹¹⁷, suggested additional wording limiting the policy to new services in urban areas, although no changes were sought by Transpower.

¹¹¹ Submission 251, supported by FS1186 and FS1097

¹¹² Submission 251, supported by FS1186 and FS1097

¹¹³ Submissions 179, 191, both supported by FS1097 and FS1121

¹¹⁴ In his Reply version of the policy

¹¹⁵ Submissions 179, 191 and 781

¹¹⁶ Submissions 251 (opposed by FS1186) and 635

¹¹⁷ Ainslie McLeod, EiC, paragraph 33

130. We consider it entirely appropriate that areas of new development have utility services provided underground, except where it is technically not feasible. If we had jurisdiction to make the changes suggested by Ms McLeod, we would not make them as we do not consider undergrounding should be limited to new services, nor to urban areas. Underground reticulation can be appropriate in many parts of the District. We recommend the policy remain as notified.
131. One submission supported Policy 30.2.7.3 unaltered¹¹⁸. Aurora¹¹⁹ sought it be limited to residential zones, and Transpower¹²⁰ sought it be limited to reticulated lines so that it did not apply to the National Grid. Although not directly related to this policy, the submission of John Walker¹²¹ seeking a policy requiring the progressive undergrounding of reticulated services in Wanaka can be discussed in conjunction with Policy 30.2.7.3.
132. Ms McLeod briefly commented on this policy in her evidence¹²², suggesting the amendments proposed would be beneficial, but did note that the NPSET 2008 does not require the undergrounding of the National Grid. Mr Walker appeared in person and spoke to his submission. Mr Barr did not comment on it specifically and recommended no changes to the policy.
133. The policy is that the Council will encourage undergrounding. We do not see any reason to limit the areas the Council may prioritise for such encouragement. While we have sympathy for the views expressed by Mr Walker, we consider the policy as expressed is the most appropriate given the Council's functions under the Act. We recommend the policy remain as notified.
134. Five submissions supported Policy 30.2.7.4 and sought its retention¹²³. Transpower¹²⁴ sought additional wording such that locational and technical requirements be considered, and that the policy refer to network utilities. No evidence was presented in support of this submission.
135. We are satisfied that, when read in conjunction with the other policies under Objective 30.2.7, the wording as notified is appropriate. We recommend the policy remain as notified.

3.8. Additional Objectives and Policies Sought

136. NZIA sought an objective and policies aimed at reducing energy use¹²⁵. No evidence was presented in support of this submission. We do note, however, that the policies sought seeking a compact urban form and the application of urban growth boundaries have been provided in other chapters. We do not recommend the inclusion of the objective and policies sought in this submission.
137. Transpower¹²⁶ sought the inclusion of a new objective and policy specifically related to its operation of the National Grid. Mr Barr did not specifically deal with this in his Section 42A

¹¹⁸ Submission 251

¹¹⁹ Submission 635

¹²⁰ Submission 805

¹²¹ Submission 292, opposed by FS1106, FS1208 and FS1253

¹²² Ainsley McLeod, EiC, paragraph 32(h)

¹²³ Submissions 179, 191, 251, 635 and 781

¹²⁴ Submission 805

¹²⁵ Submission 238, opposed by FS1157, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

¹²⁶ Submission 805

Report. Ms McLeod¹²⁷ proposed the inclusion of two new objectives and further amendments to the amended Policy 30.2.6.4 recommended by Mr Barr¹²⁸. It was Ms McLeod's evidence that these additional policies and the amendments she proposed were necessary to give effect to the NPSET 2008.

138. In his reply statement, Mr Barr largely agreed with Ms McLeod's proposals and recommended an amended objective (Objective 30.2.8) and recommended moving Policy 30.2.6.4, largely as suggested by Ms McLeod to sit under that new objective. In his view, the new objective was the most appropriate way to give effect to the NPSET 2008 Objective 5¹²⁹.

139. We agree with and accept the reasoning of Ms McLeod and Mr Barr. We have recommended in paragraph 111 above that notified policy 30.2.6.4 be amended and moved to be located under this objective. We do, however, consider both the objective and the policy need further modification. As recommended, the objective in part reads like a policy, and the policy unnecessarily repeats part of the objective and is grammatically too complicated.

140. We recommend the objective and policy read as follows:

30.2.8 *The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.*

30.2.8.1 *Enabling the use and development of the National Grid by managing its adverse effects and by managing the adverse effects of activities on the National Grid by:*

- a. *only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;*
- b. *avoiding Sensitive Activities within the National Grid Yard;*
- c. *managing potential electrical hazards and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;*
- d. *managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.*

141. PowerNet¹³⁰ sought the inclusion of a new policy under Objective 30.2.6 which would read:

Provide for the sustainable development, use, upgrading and maintenance of electricity distribution networks, including lines, transformers, substations and switching stations and ancillary buildings.

142. Mr Barr did not address this submission directly in his Section 42A Report, but he did recommend a modification to the objectives and policies in response to several submissions seeking modifications, including PowerNet's¹³¹. This policy was not addressed in Ms Justice's evidence.

¹²⁷ Ainsley McLeod, EIC, paragraphs 27 and 33

¹²⁸ Section 42A Report, Appendix 1, page 30-5

¹²⁹ Reply of Craig Alan Barr, 22 September 2016, paragraph 9.3

¹³⁰ Submission 251, opposed by FS1132

¹³¹ Craig Barr, Section 42A Report, Section 10

143. Our view is that Policy 30.2.6.1 with the wording we have recommended above achieves the same outcome as that expressed in PowerNet’s policy. The only difference is that Policy 30.2.6.1 relates to utilities in general, whereas the PowerNet proposal is directed solely to electricity distribution networks. We see no justification creating a semi-duplication specifically for electricity distribution networks and recommend that the submission be rejected.

3.9. Summary

144. We have set out in Appendix 1 the recommended objectives and policies. We note that two of the objectives we conclude need to be reconsidered by the Council and amended by variation, notwithstanding that we recommend minor amendments under Clause 16(2) to them.

145. In summary, in relation to the remaining objectives and policies, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

4. SECTION 30.3 – OTHER PROVISIONS AND RULES

4.1. Section 30.3.1 – District Wide

146. There were no submissions on this section. We recommend that the references in it be amended to be consistent with the references in other chapters. We consider this to be a non-substantive change of minor effect as the material in the section is purely for information purposes. We have set out are recommended wording in Appendix 1.

4.2. Section 30.3.2 – National

147. As notified this section listed two relevant National Environmental Standards¹³² and the NZECP 34:2001, along with a brief explanation of each.

148. Submissions sought:

- a. Amend to refer to the relationship between district plans and National Environmental Standards and update to ensure consistency with NESTF 2016¹³³;
- b. Add reference to Electricity (Hazards from Trees) Regulations 2003¹³⁴;
- c. Amend 30.3.2.1 to clarify that the provisions of NESETA 2009 prevail of the Plan rather than the chapter¹³⁵;
- d. Include references to the National Grid in 30.3.2.3 and clarify that compliance with the PDP does not ensure compliance with NZECP 34:2001¹³⁶;
- e. Retain 30.3.2.3 as notified¹³⁷.

149. Mr Barr recommended the inclusion of an advice note concerning the Electricity (Hazards from Trees) Regulations and a minor change to the title of the section. Ms McLeod was the only

¹³² NESETA 2009 and NESTF 2016

¹³³ Submissions 179, 191, 421 and 781

¹³⁴ Submission 805

¹³⁵ Submission 805

¹³⁶ Submission 805

¹³⁷ Submissions 600 (opposed by FS1034, supported by FS1209) and 635

witness to comment on the redrafting and she considered any differences in wording from what was sought were immaterial¹³⁸.

150. Our understanding is that the material contained in this section is information to assist readers of the Chapter. It does not contain rules under s.76 of the Act. In our view, that distinction should be made clear in the section title. We recommend the title be “Information on National Environmental Standards and Regulations”. In addition, numbering the provisions listed gives the appearance that they are Plan provisions. We recommend the provisions be listed using (a), (b), etc. We consider those to be minor changes with no regulatory effect that fall under Clause 16(2).
151. We agree that the provisions should be updated to reflect the NESTF 2016¹³⁹. These regulations were made on 21 November 2016 after the date of the hearing. As the references are for information purposes we do not consider any person to be disadvantaged by the references being included without further hearing. Four submissions sought that the references be changed. No further submitters opposed those submissions.
152. Taking into account all the above and our earlier conclusions on the NZECP 34:2001, we recommend the section read:

30.3.2 Information on National Environmental Standards and Regulations

a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

- i. cabinets in and outside of road reserve;*
- ii. antennas on existing and new poles in the road reserve;*
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;*
- iv. new poles and antennas in rural areas;*
- v. antennas on buildings;*
- vi. small-cell units on existing structures;*
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and*
- viii. associated earthworks.*

¹³⁸ Ainsley McLeod, EiC, paragraph 36

¹³⁹ The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

In general, the provisions of the NESTF 2016 prevail over the provisions of this District Plan Chapter, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

c. New Zealand Electrical Code of Practice for Electrical Safe Distances Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Compliance with this District Plan does not ensure compliance with NZECP 34.

Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.

d. Electricity (Hazards from Trees) Regulations 2003

Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

4.3. Section 30.3.3 – Clarification

153. As in other chapters, this section contains a series of provisions establishing how the rules work, including which chapters have precedence over others.
154. There was only one submission on this section¹⁴⁰. It sought the inclusion of an advice note regarding the planting of vegetation near electricity lines, which has been incorporated into 30.3.2(d), and the retention of the provision which gave utility rules priority over other rules.
155. Other than some minor non-substantive changes, the only amendment recommended by Mr Barr was to include a provision clarifying that Airport Activities in the Airport Mixed Use Zone (Chapter 17) prevail over the provisions of this chapter, in response to a legal submissions presented by Ms Wolt, counsel for QAC¹⁴¹.

¹⁴⁰ Submission 805

¹⁴¹ Legal Submissions for Queenstown Airport Corporation Limited, dated 9 September 2016, paragraphs 44-57

156. The concern of QAC was that the definition of utility included in Chapter 2 defined the term in such a way as to include airports. Chapter 17 included a specific set of rules relating to Queenstown Airport classifying many of the activities, which would fall within the definition of utility, as permitted. However, such activities could be classified as controlled or discretionary under Chapter 30. While there is an obvious inconsistency, the difficulty we face, as Ms Wolt conceded, is there is no submission seeking an appropriate solution. Ms Wolt submitted that a solution could fall within the Council’s broad scope to amend the Plan based on the range of relief sought by submissions.
157. Mr Barr’s response is the rule described above. We asked both Ms Wolt and Ms O’Sullivan whether an alternative solution would be to change the definition of utility to exclude airports from the definition. Ms Wolt undertook to consider that option, and Ms O’Sullivan suggested the definition could be changed to exclude airport activities and airport related activities within the Airport Mixed Use Zone. We understood her response to be that QAC would want any of its activities outside of that zone to continue to be controlled by Chapter 30.
158. We are not satisfied that there is scope to make either Mr Barr’s amendment or to amend the definition of utility to obviate the apparent inconsistency. Having considered the two alternatives, we conclude that the most appropriate solution is to amend the definition of utility consistent with Ms O’Sullivan’s suggestion. That will require a variation to the PDP and we recommend the Council investigate initiating such a variation.
159. Consistent with our approach in other chapters, recommend that the heading of this section be “Explanation of Rules” to better identify the purpose of the provisions contained. The only other change we recommend is to provision 30.3.3.5. This does not explain the rules. Rather it is a note that designations can also apply to some utilities. This should be identified as a note without a provision number to avoid confusion.
160. We set out in Appendix 1 our recommended layout of this section.

5. SECTIONS 30.4 AND 30.5 – RULES

5.1. Introductory Remarks

161. As notified, Section 30.4 contained a single table with activities listed and the activity classification. The list was broken into two sections: those for energy activities; and those for utilities. While there may have been a logic to the order of activities within each group, it was not obvious to us. Following this table, Section 30.5 contained a second table, this time setting out the standards that applied to certain activities. Again that was split into two groups. As the rules from sections 30.4 and 30.5 interact with each other, it is sensible to consider them together where possible.
162. In his reply statement, Mr Barr proposed a re-order of both the activity classifications and the standards into several tables such that the standards for a group of activities (such as renewable energy activities) immediately followed the classification table for that group. In part this was a response to submissions lodged by the Telecommunication Companies¹⁴² which sought a re-ordering of the rules applying to telecommunication utilities and a conflating of activity classifications and standards. Thus, Mr Barr’s re-ordering had standards for some

¹⁴² Submissions 179, 191, 421 and 781

groups of activities, but in other cases included the standard within the classification of the activity. This has led to some repetition of standards.

163. We agree that the re-ordering is a more user-friendly approach and have largely followed Mr Barr's layout. However, we have made some further changes to assist users. Within each classification table we have generally listed the activities in order of their classification with permitted first, followed by controlled, then restricted discretionary, discretionary, non-complying and prohibited in that order. In addition, we have numbered each table and restarted the rule numbers for each table, meaning that rules have the format 30.4.[Table-Number].[Rule-Number].

164. Our discussion of the submissions on the rules will be in the rule order as notified, but when making our recommendation on each provision we will identify where it fits in our re-ordered version.

5.2. Rule 30.4.1 – Energy Activities which are not listed in this table

165. These activities were classified as non-complying by this rule. No submissions were lodged in respect of this rule. Although we do not recommend any changes in the effect of this rule, we note that the classification of other energy activities in the table has the effect that it only applies to non-renewable energy activities and in part duplicates Rule 30.4.7. We consider that this rule is unnecessary given that the only activity it affects which is not covered by Rule 30.4.7 is one we conclude, in our discussion of Rule 30.4.3 below, is caught by error rather than intent. We recommend that it can be deleted as having no regulatory value.

5.3. Rule 30.4.2 and Rule 30.5.1

166. This rule provides for small and community-scale distributed electricity generation and solar hot water heating as a permitted activity, provided it has a rated capacity of less than 3.5kW and is not located within a number of sensitive zones and areas (covered by Rule 30.4.3).

167. One submission¹⁴³ supported the rule, and a second submission¹⁴⁴ sought it be amended by removing the capacity limit, replacing that with an area limit. Mr Barr did not comment on this submission, but in his recommended amendments to the chapter attached to his Section 42A Report he recommended changing the 3.5kW rated capacity limitation to 5kW.

168. This rule needs to be considered in relation to Rule 30.5.1 which sets additional standards for this activity. Four submissions¹⁴⁵ opposed the standards in this rule that allowed solar panels to protrude beyond the maximum height limit specified for the zone. One submission¹⁴⁶ sought the deletion of the area limitation of 150m² for free standing solar systems, and one submission¹⁴⁷ sought the standards be amended to promote ground and water source energy at a domestic scale.

169. Mr Barr commented on the submissions concerned with protrusion through the height limit in his Section 42A Report¹⁴⁸. He concluded that the potential of panels to protrude through the relevant height limit was little different to the exemption given to chimneys, and recommended the rule remain as notified.

¹⁴³ Submission 72, supported by FS1352

¹⁴⁴ Submission 126

¹⁴⁵ Submissions 263, 510, 511 and 792

¹⁴⁶ Submission 368

¹⁴⁷ Submission 383

¹⁴⁸ Paragraphs 14.19 to 14.22

170. We agree with Mr Leece and Ms Kobienia¹⁴⁹ that, when considered in light of the standards in Rule 30.5.1, there is no need for Rule 30.4.2 to contain any limit on rated capacity, even if 5kW as recommended by Mr Barr. There was no evidence to suggest that capacity correlated to the level of adverse effects, and it is the latter that is relevant. In addition, such a limitation essentially discourages the use of more efficient small-scale photovoltaic systems – that is, systems that have a higher rated capacity but take up a smaller area than those contemplated by these rules, and it appears to be inconsistent with the objectives and policies of this chapter relating to renewable electricity generation and Policy F of the NPSREG 2011. We also recommend some minor grammatical changes to this rule.
171. Mr Barr recommended several amendments to Rule 30.5.1¹⁵⁰:
- a. Insert into Rule 30.5.1.2 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383;
 - b. Clarify the phrasing regarding the setback exemption not being available in rule 30.5.1.3;
 - c. Specify that such activities had to be located within building platforms within those zones that require them; and
 - d. Add a requirement that such facilities cannot exceed site coverage rules.
172. We could not find scope in the submissions Mr Barr referred to for the first and last amendments so consider those no further. We agree that the other two amendments assist in improving the rule. Rule 30.5.1.2 does require some rewording for it to logically fit within the overall wording of the standard. Such a change does not alter the effect of the rule and we consider such a change to be minor in terms of Clause 16(2).
173. In our view, the combination of standards in Rule 30.5.1, incorporating amendments (b) and (c) above, appropriately deal with the potential effects on the environment of the activity. We do not consider that the limited protrusion beyond the height limit allowed by this rule to be any more than minor, and consider such an intrusion to be consistent with the provisions of the NPSREG 2011. We consider that it is appropriate for free-standing units greater than 150m² and/or greater than 2.0m in height to be assessed as discretionary activities, as notified Rule 30.5.1 required.
174. As a consequence, and allowing for the relocation of the two rules, we recommend that Rules 30.4.2 and 30.5.1 be renumbered as 30.4.1.1 and 30.4.2.1 respectively, and amended to read:
- 30.4.1.1 **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating**, excluding Wind Electricity Generation, including any structures and associated buildings, other than those activities restricted by Rule 30.4.1.4.*
- As a permitted activity.
- 30.4.2.1 **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating** must:*
- 30.4.2.1.1 not overhang the edge of any building.*

¹⁴⁹ Submission 126

¹⁵⁰ Reply Version, p.30-13

- 30.4.2.1.2 *be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.*
- 30.4.2.1.3 *be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.*
- 30.4.2.1.4 *be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.*
- 30.4.2.1.5 *not intrude through any recession planes applicable in the zone in which they are located.*
- 30.4.2.1.6 *not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.*
- 30.4.2.1.7 *not protrude more than a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.*
- 30.4.2.1.8 *not exceed 150 m² in area if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.9 *not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.10 *be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.¹⁵¹*

Non-compliance would require consent as a discretionary activity.

5.4. Rule 30.4.3

175. This rule, as notified, classified small and community-scale distributed electricity generation with a rated capacity of 3.5kW or more as a discretionary activity, or a discretionary activity if located within:
- a. Arrowsmith Residential Historic management Zone
 - b. Town Centre Special Character Areas;
 - c. Open Space Zones;
 - d. Any open space and landscape buffer areas identified on any of the Special Zones;
 - e. Significant Natural Areas;
 - f. Outstanding Natural Landscapes;
 - g. Outstanding Natural Features;
 - h. Heritage Features and Landscapes;
 - i. Rural Zones (if detached from or separate to a building).
176. Submissions on this rule sought:
- a. Photovoltaic panels and roofing profiles suitable for photovoltaic laminates be a permitted activity in the Arrowsmith Residential Historic Management Zone¹⁵²;

¹⁵¹ See discussion of next rule for additional reasons for inclusion of this standard.

¹⁵² Submission 752

- b. Require at least limited notification of facilities over 1.2 m in height¹⁵³;
 - c. Remove the capacity restriction¹⁵⁴;
 - d. Limit the restriction in rural zones to outside of a building platform¹⁵⁵.
177. Again, Mr Barr did not comment on this rule but did recommend some minor amendments in Appendix 1 of his Section 42A Report. As well as increasing the rated capacity threshold to 5 kW, to be consistent with Rule 30.4.2, he recommended clarifying that “Rural Zones” meant “Rural Zone, Rural Residential Zone and Rural Lifestyle Zone”. He also recommended that the qualification in respect of the rural zones be changed to read “if outside a building platform”.
178. We consider the placement of photovoltaic panels (or laminates) on roofs in the Arrowtown Residential Historic Management Zone is a matter best considered within the context of the heritage purpose of that zone. For that reason we conclude the discretionary activity regime proposed for this zone as notified is appropriate and recommend that Submission 752 be rejected.
179. As with the previous rule, and for the same reasons, we recommend the rated capacity threshold be removed. If the proposed facility exceeds the standards in Rule 30.5.1 (as notified) then it will require consent as a discretionary activity. We also agree that the restriction in rural areas (other than in ONLs and on ONFs) should be limited to outside of building platforms. Built form is expected within building platforms and limitation of 150m² and a height limit of 2m (as in Rule 30.5.1) is an appropriate threshold in such a location. We note that building platforms are not required in the Rural Residential Zone so this provision should not refer to that zone. We also consider the restriction would be better founded in the standard Rule 30.4.2.1 (formerly 30.5.1) phrased as follows:
- 30.4.2.1.10 be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.*
180. A consequential result of removing the rated capacity threshold is that small and community-scale wind electricity generation with a rated capacity of less than 3.5kW will become a discretionary activity, whereas as notified it could have been construed as being non-complying. As notified, Rule 30.4.2 excluded wind electricity generation from the permitted activity status, and Rule 30.4.3 made such generation, provided it had a rated capacity exceeding 3.5kW, a discretionary activity.
181. Mr Barr noted the issue in his Reply Statement and recommended a new rule providing for small scale wind generation as a controlled activity in the Rural, Gibbston Character and Rural Lifestyle Zones¹⁵⁶, subject to compliance with the standards for wind generation. From Mr Barr’s Reply Statement it is also apparent that he intended that such facilities did not locate in any of the areas restricted in notified Rule 30.4.3, and that it be limited to being within approved building platforms. These latter restrictions do not seem to have been carried into his draft rules.
182. We doubt that the rule drafters intended that the smaller capacity wind generation facility would require a more onerous consent process than a larger facility. The proposal does also satisfy matters raised in Submission 368. We do not consider the facility should not have a

¹⁵³ Submission 20, opposed by FS1097 and FS1121

¹⁵⁴ Submission 126, supported by FS1024

¹⁵⁵ Submission 368

¹⁵⁶ Craig Barr, Reply Statement dated 22 September 2016, Section 5

rated capacity limitation, consistent with our reasoning set out above. The standards that would apply, and identifying the activity as being Small and Community Scale Electricity Generation (a defined term which is scale limiting), impose a scale limit on any equipment utilising Mr Barr’s proposed rule. Subject to some adjustment to the wording of Mr Barr’s proposed rule and Rule 30.4.3, we accept that provision should be made as proposed by Mr Barr.

183. We recommend that a new rule providing a controlled activity for small scale wind electricity generation be included as follows:

30.4.1.2 Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and the Rural Lifestyle Zone provided that:

- a. it is located within an approved building platform;*
- b. it is not restricted by Rule 30.4.1.4; and*
- c. it complies with the standards in Rule 30.4.2.3.*

Control is reserved to:

- a. Noise;*
- b. Visual effects;*
- c. Colour;*
- d. Vibration.*

184. One final change to Rule 30.4.3 is required in respect of “Heritage Features and Landscapes”. The Hearing Panel for Stream 3 has recommended that “Heritage Landscapes” be renamed “Heritage Overlay Areas”. We recommend that terminology be used in this rule for consistency. Consequently, and incorporating minor grammatical changes consistent with those in the previous rule, we recommend this rule, as a discretionary activity, read:

30.4.1.4 Small and Community-Scale Distributed Electricity Generation and Solar Water Heating, including any structures and associated buildings, which is either:

30.4.1.4.1 Wind Electricity Generation other than that provided for in Rule 30.4.1.2;

OR

30.4.1.4.2 Located in any of the following:

- a. Arrowtown Residential Historic Management Zone*
- b. Town Centre Special Character Areas;*
- c. Significant Natural Areas;*
- d. Outstanding Natural Landscapes;*
- e. Outstanding Natural Features;*
- f. Heritage Features and Heritage Overlay Areas.*

5.5. Rule 30.4.4

185. This rule provides for equipment and activities for the purpose of research and exploratory-scale investigations for renewable electricity generation to be a restricted discretionary activity.

186. There were two submissions on this rule. One¹⁵⁷ sought that it not apply in the Hydro Generation Zone. That zone is within the ODP and not part of the PDP. Notwithstanding that

¹⁵⁷ Submission 580

Mr Barr proposed providing an exclusion to satisfy this submitter¹⁵⁸, we recommend the submission therefore be rejected as not being necessary.

187. The second submission¹⁵⁹ sought amendment to the matter of discretion related to natural hazards. Mr Barr recommended the deletion of that matter of discretion¹⁶⁰, and some minor grammatical changes. Subject to those changes, we recommend the rule remain as notified other than renumbering to 30.4.1.3.

5.6. Rule 30.4.5

188. This rule provided for renewable electricity generation facilities not provided for by the previous rules to be a discretionary activity. The sole submission¹⁶¹ on the rule supported the discretionary activity status.

189. We recommend the rule be confirmed without alteration, subject to being numbered 30.4.1.5.

5.7. Rule 30.4.6

190. This rule provided for, as a permitted activity, non-renewable electricity generation that was either:

- a. Standby generation for community, health care and utility activities; or
- b. Part of a stand-alone system on remote sites that do not have connection to the distributed electricity network.

191. The only submission¹⁶² sought that the temporary operation of emergency and back-up generator should be exempt from complying with the Noise Rules in Chapter 36. The same submitter sought that Chapter 36 be similarly amended.

192. In her evidence¹⁶³, Ms Dowd identified another issue of concern to Aurora. This related to the interface with the Temporary Activities provisions in Chapter 35. A gap in those rules relating to the definition of utilities meant that temporary electricity generation serving an area wider than the site it was located on was not provided for. Aurora's submission sought amendments to the definition of utilities as a means of overcoming this problem, but Ms Dowd suggested that an amendment to this rule would obviate that change. Ms Dowd's evidence did not consider the noise issue referred to in the previous paragraph.

193. Mr Barr agreed with this approach and recommended amendments in his Reply Statement¹⁶⁴.

194. We agree with the reasons provided by Ms Dowd and Mr Barr for amending this rule. However, we do not consider Mr Barr's solution achieves the correct outcome. We prefer the approach suggested by Ms Dowd¹⁶⁵, albeit with wording more similar to that suggested by Mr Barr.

¹⁵⁸ Craig Barr, Reply Statement, paragraphs 14.45 to 14.48

¹⁵⁹ Submission 383

¹⁶⁰ Craig Barr, Reply Statement, 22 September 2016, Section 12

¹⁶¹ Submission 580

¹⁶² Submission 635

¹⁶³ Joanne Dowd, EiC, paragraph 28

¹⁶⁴ Paragraphs 16.1 and 16.2

¹⁶⁵ *ibid*

195. Finally, we note that Chapter 31 no longer relates to hazardous substances and their control is no longer a function of the Council. We have deleted the reference to that chapter in the note.

196. Consequently we recommend that Rule 30.4.6 be amended and renumbered as follows:

30.4.3.1 Non-renewable Electricity Generation where either:

a. *the generation only supplies activities on the site on which it is located and involves either:*

i. *Standby generators associated with community, health care, and utility activities; or*

ii. *Generators that are part of a Stand-Alone Power System on remote sites that do not have connection to the local distributed electricity network;*

OR

b. *the generation supplies the local electricity distribution network for a period not exceeding 3 months in any calendar year.*

Note – Diesel Generators must comply with the provisions of Chapter 36 (Noise) and Chapter 31 (Hazardous Substances)

5.8. **Rule 30.4.7**

197. This rule partially duplicated Rule 30.4.1 by classifying non-renewable electricity generation that was not otherwise identified as a non-complying activity. No submissions were received on this rule.

198. We recommend it remain as notified, but be renumbered as 30.4.3.2.

5.9. **Rule 30.5.2**

199. This rule sets the standards applying to mini and micro hydro electricity generation. There were no submissions on this rule and we heard no evidence on it. Mr Barr recommended two amendments¹⁶⁶:

a. Insert in 30.5.2.3 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383; and

b. Change the reference in the Note to the Regional Plan: Water

200. We can find no scope in Submission 383 to amend this rule as Mr Barr suggests. His discussion of the issue in the Section 42A Report¹⁶⁷ appears to ignore the fact that the submission clearly states, in the column identifying the provision it relates to, “30.5.3.5”. We do, however, accept that the advice note should refer to the Regional Plan: Water rather than the “Water Plan Rules”. Therefore, we recommend the rule be adopted with only a minor grammatical change, that it be numbered 30.4.2.2, and the advice note be amended to refer to the Regional Plan: Water.

5.10. **Rule 30.5.3**

201. This rule provides the standards for wind electricity generation. There were two submissions on this rule. Submission 368 sought that Rule 30.5.3.1 be deleted so that there was no limit

¹⁶⁶ Craig Barr, Reply Statement, Appendix 1, p.30-14

¹⁶⁷ Craig Barr, Section 42A Report, paragraph 14.3

on the number of turbines. Submission 383¹⁶⁸ sought the inclusion of a maximum reflectance value in Rule 30.5.3.5.

202. Mr Barr discussed the matter of the maximum reflectance value in his Section 42A Report, and we accept his recommendation in relation to this rule. Mr Barr also recommended a grammatical change to 30.5.3.3 in his Reply Version which we accept. Additionally, in his Reply Version, Mr Barr recommended the maximum height of masts in the Rural and Gibbston Character Zones be 12m, rather than the 10m as notified; the maximum height of the turbine be measured to the top of the mast, not the blade as notified; and that a new standard be added requiring compliance with Chapter 36 (Noise).

203. As we have noted with amendments to other standards, we can find no scope in the submissions for these last three amendments. We accept that Chapter 36 contains standards which wind turbines must comply with. It seems that a note referring a reader to that would suffice here, rather than including it as a standard. We are not prepared to recommend the other changes in the absence of submissions.

204. We heard no evidence as to why there should not be a limit of two turbines per site. We consider that, in the context of the environment of this District, to be a suitable limit.

205. We recommend this rule be amended to read:

30.4.2.3 ***Wind Electricity Generation shall:***

30.4.2.3.1 *Comprise no more than two Wind Electricity Generation turbines or masts on any site.*

30.4.2.3.2 *Involve no lattice towers.*

30.4.2.3.3 *Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings shall not apply*

30.4.2.3.4 *Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.*

30.4.2.3.5 *Be finished in recessive colours with a light reflectance value of less than 16%*

Notes: In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).

The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.

Wind turbines must comply with Chapter 36 (Noise)

5.11. Rules 30.5.4 and 30.5.5

206. There were no submissions on Rule 30.5.4. We recommend it be adopted renumbered to 30.4.2.4 and with an amendment to the advice note to refer to the appropriate regional plan.

¹⁶⁸ Opposed by FS1106, FS1208 and FS1253

207. The only submission¹⁶⁹ on Rule 30.5.5 sought that the it be a controlled activity. It is unclear from the submission whether the submitters were seeking that to be the base requirement for the activity, or the status of the activity if it did not meet the standards in Rule 30.5.5.
208. Mr Barr recommended changing the maximum height in clause 1 to 3m¹⁷⁰, and inserting a maximum reflectance value of 36% in clause 3¹⁷¹. We can find not scope in the submissions for such changes and consider them no further.
209. We are satisfied that this rule as notified provides appropriate standards for buildings accessory to renewable generation activities. We recommend it be adopted as notified, subject to being renumbered 30.4.2.5 and with the title changed to *Buildings accessory to renewable energy activities*.

5.12. Rules for Utilities

210. We preface discussion of this section of the rules by noting that the Telecommunications Companies all lodged submissions¹⁷² seeking the complete replacement of Rules 30.4.8 to 30.4.16 (except for 30.4.10) with a completely new set of rules. In addition, and consequent on that submission, they also sought the deletion of Rules 30.5.7, 30.5.8 and 30.5.9 as no longer being necessary. In his evidence for the Companies, Mr McCallum-Clark did not seek such wholesale replacement. Rather he accepted most of the changes recommended by Mr Barr and provided no direct evidence supporting the complete replacement as sought in the submissions.

211. While we do not disregard these submissions, given the lack of supporting evidence, we do not discuss them in any detail below unless the recommendations of Mr Barr or Mr McCallum-Clark warrant it.

5.13. Rule 30.4.8

212. This rule classified utilities, buildings, structures and earthworks not otherwise listed as a discretionary activity. The sole submission¹⁷³ on this rule sought that underground lines be included in the list of activities.

213. To understand this rule, one needs to read it with reference to the heading immediately preceding it, which states:

Rules for Utilities; and Buildings, Structures and Earthworks within or near to the National Grid Corridor

Note - The rules differentiate between four types of activities: lines and support structures; masts and antennas; utility buildings; and flood protection works & waste management facilities.

214. With this understanding, it is clear the rule as notified was directed to two different activities: utilities; and activities within or near the National Grid Corridor. Without that understanding one could conclude that it affected a wide range of activities.

¹⁶⁹ Submission 368

¹⁷⁰ Section 42A Report, Appendix 1, p.30-16

¹⁷¹ Reply Version, p. 30-15

¹⁷² Submissions 179 (opposed by FS1301), 191 (opposed by FS1301), 421 and 781 (opposed by FS1301)

¹⁷³ Submission 251, supported by FS1121

215. Mr Barr did not discuss this rule, nor the submission, in his Section 42A Report. He did, however, recommend, as a new rule 30.4.22, that underground lines be a permitted activity, subject to ground reinstatement. In Ms Justice’s tabled evidence, she advised that she considered the new rule addressed PowerNet’s submission, and that it was appropriate¹⁷⁴.

216. Mr Barr considered Rule 30.4.8 in his Reply Statement and recommended an effective split between the non-specified utilities and the activities in or near the National Grid Corridor. He included the latter activities in standards which we discuss below. His reworded rule was:

Utilities which are not otherwise listed in Rules x to x¹⁷⁵

217. We consider that Mr Barr may have unintentionally narrowed the scope of this rule in re-arranging the rules in his Reply version. While we agree with his approach, we recommend that the rule continue to apply to all utilities not otherwise provided for, as well as buildings associated with utilities.

218. We note also, that in recommending amendments to make the chapter consistent with the NESTF 2016, Mr Barr and Mr McCallum-Clark added a proviso to clarify that the catch-all status was subject to the regulations contained in the NESTF 2016¹⁷⁶. We agree that clarification is helpful.

219. In our re-arrangement of the rules we have relocated the rule to make it clear that it apply to all utilities not otherwise provided for, and have numbered it 30.5.1.8. With the additional clarification, we recommend it reads:

Utilities and Buildings (associated with a Utility) which are not:

30.5.8.1 provided for in any National Environmental Standard;

OR

30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13

5.14. Rule 30.4.9

220. This rule classified “minor upgrading” as a permitted activity. The only submissions¹⁷⁷ on the rule sought its retention.

221. It is appropriate to consider the definition of “minor upgrading” at this point so that the implications of the rule are fully understood. As notified, that definition read:

Minor upgrading Means maintenance, replacement and upgrading of existing conductors or lines and support structures provided they are of a similar character, intensity and scale to the existing conductors or line and support structures and shall include the following:

¹⁷⁴ Paragraph 4.17

¹⁷⁵ We presume he intended the relevant rules indicated by “x to x” to be the remainder in the same table, being his amended numbers 30.4.2 to 30.4.8

¹⁷⁶ Joint Witness Statement at paragraph 2.1(b).

¹⁷⁷ Submissions 251, 635 and 805

- *Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 1 metre of the base of the support pole being replaced;*
- *Addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;*
- *The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period, except in the Rural Zone;*
- *Replacement of conductors or lines provided they do not exceed 30mm in diameter or the bundling together of any wire, cable or similar conductor provided that the bundle does not exceed 30mm in diameter;*
- *Re-sagging of existing lines;*
- *Replacement of insulators provided they are less or similar in length; and*
- *Addition of lightning rods, earth-peaks and earth-wires.*

222. Seven submissions¹⁷⁸ sought amendments to this definition. Mr Barr discussed these submissions in his Section 42A Report¹⁷⁹, noting that the majority of the relief sought was consistent with definitions used in other district plans¹⁸⁰. He recommended accepting the following components:

- a. the addition of lines;
- b. removing diameter requirements¹⁸¹;
- c. introduction of re-sagging and bonding of conductors;
- d. the replacement of insulators with more efficient ones; and
- e. the removal of three additional support structures as a minor upgrade.

223. Ms Justice¹⁸² largely supported Mr Barr's proposed amendments, but sought the additional inclusion of:

- a. provision for replacement of poles in defined circumstances;
- b. replacement of lines or bundling of lines provided they do not exceed 30cm in diameter; and
- c. replacement of equipment of similar intensity and scale.

224. Ms Justice also noted that the ODP contained a practical provision that allowed a replacement pole to be erected prior to removal of an existing pole, and suggested this should be retained.

225. Ms Dowd¹⁸³ considered that the definition as notified would require utility companies to obtain unnecessary consents. She largely supported Mr Barr's revised definition, but also sought an additional clause to allow for the increase in height of support structures of up to 15% where required to maintain compliance with NZECP 34:2001, and the retention of the clause allowing for an extension of line length, but for up to four new support structures.

¹⁷⁸ Submissions 179 (supported by FS1121 and FS1301, opposed by FS1132), 191 (supported by FS1121 and FS1301, opposed by FS1132), 251, 421, 635 (supported by FS1301, opposed by FS1132), 781 (supported by FS1121 and FS1342) and 805

¹⁷⁹ Paragraphs 9.41 to 9.43

¹⁸⁰ He gave the examples of Wellington City District Plan and the Tauranga City District Plan

¹⁸¹ Noting that he considered these too difficult to monitor, and there is a requirement for minor upgrades to be of a similar scale and intensity.

¹⁸² Megan Justice, EIC, paragraphs 4.10 to 4.15

¹⁸³ Joanne Dowd, EIC, paragraphs 31-36

226. Ms McLeod considered Mr Barr's redraft was satisfactory, with the one exception being that she considered the same clause regarding additional height Ms Dowd sought be included, be added to the definition. Ms McLeod noted that such increases in height provide for health and safety of the community, and that the clause mirrors similar regulations in the NESETA 2012.
227. Mr Barr reconsidered the definition in detail in his Reply Statement¹⁸⁴ and recommended acceptance of most of the points raised in the evidence discussed. In particular, he accepted that replacement support structures should be allowed within 2 metres of the existing structure, rather than the 5 m sought by Aurora, and that lines may be extended by up to three new support structures, rather than the 4 sought by Aurora, within any 5 year period, including within the Rural Zone.
228. We agree with Mr Barr's reasoning and recommend to the Stream 10 Panel that the definition of "minor upgrading" be as follows:

Minor upgrading Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale, and includes the following:

- a. Addition of lines, circuits and conductors;
- b. Reconducting of the line with higher capacity conductors;
- c. Re-sagging of conductors;
- d. Bonding of conductors;
- e. Addition or replacement of longer or more efficient insulators;
- f. Addition of electrical fittings or ancillary telecommunications equipment;
- g. Addition of earth-wires which may contain lightning rods, and earth-peaks;
- h. Support structure replacement within the same location as the support structure that is to be replaced;
- i. Addition or replacement of existing cross-arms with cross-arms of an alternative design; and
- j. Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced;
- k. Addition of a single support structure for the purpose of providing a service connection to a site, except in the Rural Zone;
- l. The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.

229. With that understanding as to what Rule 30.4.9 is permitting, we recommend it remain as notified. As part of our re-arrangement of the rules, we have separated the various types of utility activities. The consequence of this is that the rule is repeated as 30.5.3.1 for the National Grid, 30.5.5.1 for electricity distribution, and 30.5.6.1 for telecommunications and other communication activities.

5.15. Rule 30.4.10

230. This rule classified as permitted activities, buildings, other than those for National Grid Sensitive Activities, structures and earthworks within the National Grid Corridor, provided they complied with standards in Rules 30.5.10 and 30.5.11.

¹⁸⁴ Paragraphs 14.4-14.9

231. Aurora¹⁸⁵ sought amendments to this rule as part of its submission seeking special provision for parts of its network. We have already given our reasons for not accepting that submission so discuss it no further here.
232. Transpower¹⁸⁶ sought a complete rewrite of this rule and the associated standards to create a single rule containing all the conditions to be met for an activity to be permitted.
233. To understand both the effect of this rule, and what was being sought by Transpower, it is appropriate to consider it in conjunction with the relevant standards: Rules 30.5.10 and 30.5.11. Rule 30.5.10 set the following standards for buildings and structures within the National Grid Corridor, and set non-compliance with the standards a non-complying activity:
- 30.5.10.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*
- 30.5.10.2 Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.*
- 30.5.10.3 Any new non-habitable building less than 2.5m high and 10m² in floor area.*
- 30.5.10.4 Any non-habitable building or structure used for agricultural activities provided that they are:*
- a. less than 2.5m high*
 - b. Located at least 12m from a National Grid Support Structure*
 - c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
 - d. Alterations to existing buildings that do not alter the building envelope less than 2.5m high*
 - e. Located at least 12m from a National Grid Support Structure*
 - f. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
- 30.5.10.5 Alterations to existing buildings that do not alter the building envelope.*
234. Rule 30.5.11 set standards for earthworks within the National Grid Yard and made non-compliance with those standards a discretionary activity. The standards as notified were:
- 30.5.11.1 Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall be no deeper than 300mm.*
- 30.5.11.2 Earthworks between 2.2 metres to 5 metres of a National Grid pole support structure or stay wire shall be no deeper than 750mm.*
- 30.5.11.3 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Tower Support Structure shall be no deeper than 300mm.*
- 30.5.11.4 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Tower Support structure shall be no deeper than 3 metres.*

¹⁸⁵ Submission 635

¹⁸⁶ Submission 805

- 30.5.11.5 *Earthworks shall not create an unstable batter that will affect a transmission support structure.*
- 30.5.11.6 *Earthworks shall not result in a reduction in the existing conductor clearance distance below what is required by the New Zealand Electrical Code of Practice 34:2001.*
235. Rule 30.5.11 also listed the following exemptions from this rule:
- 30.5.11.7 *Earthworks undertaken in the course of constructing or maintaining utilities*
- 30.5.11.8 *Earthworks undertaken as part of agricultural activities or domestic gardening*
- 30.5.11.9 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*
236. As notified, the PDP also contained definitions for National Grid Corridor, National Grid Yard, National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor, each of which is relevant to these rules.
237. The submissions on these three rules and the four definitions are all inter-related and need to be considered together.
238. Federated Farmers sought the retention of Rules 30.5.10 and 30.5.11¹⁸⁷. Aurora¹⁸⁸ sought minor amendments for clarification to Rule 30.5.10, but otherwise supported it, and supported Rule 30.5.11. Transpower¹⁸⁹ sought the replacement of both rules in section 30.5 so that they were consistent with its approach to managing activities in close proximity to the National Grid.
239. The Council¹⁹⁰ sought clarification as to whether the definitions of National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor were both necessary. Arcadian Triangle Ltd¹⁹¹ sought the review and amendment of all definitions related to the National Grid. Transpower sought the deletion of the definition of Sensitive Activities – Transmission Corridor and amendments to the definitions of National Grid Corridor and National Grid Yard. Transpower also sought the inclusion of the following new definitions related to these provisions:
- a. Artificial crop protection structure;
 - b. Crop support structure;
 - c. Earthworks within the National Grid Yard;
 - d. National Grid; and
 - e. Protective canopy.
240. Mr Barr considered the new definitions proposed by Transpower in his Section 42A Report. He only supported the inclusion of the National Grid definition. Mr Barr agreed with the Arcadian Triangle submission and recommended amendments to the definitions to increase consistency. He also recommended the amendment sought to the title of National Grid Corridor, changing it to National Grid Subdivision Corridor, to make it clear that corridor

¹⁸⁷ Submission 600, supported by FS1209, opposed by FS1034

¹⁸⁸ Submission 635

¹⁸⁹ Submission 805

¹⁹⁰ Submission 383

¹⁹¹ Submission 836

applied only to subdivision activities, while the National Grid Yard applied to all activities. Mr Barr also recommended acceptance of the amendment to 30.5.10 sought by Aurora.

241. Ms McLeod identified a series of differences between the relief sought by Transpower and the rules as recommended by Mr Barr¹⁹². In her view, the rule framework should clearly establish that activities sensitive to the National Grid are not provided for in the National Grid Yard because such an approach is firmly directed by NPSET 2008 Policy 11¹⁹³. She also explained why various setbacks she proposed were appropriate. She concluded this part of her evidence by suggesting a single rule for “Buildings, Structures and National Grid Sensitive Activities within the National Grid Yard”¹⁹⁴. This rule made all such activities non-complying, except for a list of exceptions in the rule, which would be permitted. In the same paragraph, as a separate rule, she recommended that all earthworks in the National Grid Yard that complied with rule 30.5.11 be permitted.
242. Ms McLeod took us in detail through her concerns with the standards for earthworks in Rule 30.5.11 and suggested a replacement set of standards¹⁹⁵.
243. Mr Barr, in his Reply Statement, generally accepted the changes proposed by Ms McLeod¹⁹⁶, although he did not agree with the rule structure she proposed.
244. We agree with the recommendation of Mr Barr that the activities in relation to the National Grid be contained in their own two tables: one relating to activities, the second to standards. Given that there was no real difference in opinion between Mr Barr and Ms McLeod by the end of the hearing, we accept their reasoning as to the standards to be achieved and the relevant activity classifications. We also note that there was no real difference between Mr Barr and Ms McLeod as to the definitions to be included, nor how those terms were defined. Additionally, we note that although Transpower sought that the term National Grid Corridor be rephrased National Grid Subdivision Corridor, Ms McLeod did support that wording change. We accept her evidence on that point.
245. As a result, we recommend that (noting that items b. to g. are recommendations to the Stream 10 Hearing Panel):
- a. Rules 30.4.10, 30.5.10 and 30.5.11 be replaced with Rules 30.5.3.2, 30.5.3.3, 30.5.4.1 and 30.5.4.2 as set out below;
 - b. The definition of Sensitive Activities – Transmission Corridor be deleted;
 - c. The definition of National Grid set out below be included;
 - d. The definition of National Grid Corridor refer to the diagram referred to next;
 - e. The diagram illustrating the dimensions of the National Grid Corridor and National Grid Yard, plus the setback distances from various poles and tower structures be replaced with that included below;
 - f. The definition of National Grid Yard remain unaltered; and
 - g. The definition of National Grid Sensitive Activities be amended to read as set out below.

Rules:

30.5.3.2 *Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor – Permitted activities*

¹⁹² Ainsley McLeod, EiC, paragraph 50

¹⁹³ *ibid*, paragraph 51

¹⁹⁴ *ibid*, paragraph 59

¹⁹⁵ *ibid*, paragraphs 71-80

¹⁹⁶ Craig Barr, Reply, Section 9

Subject to compliance with Rules 30.5.4.1 and 30.5.4.2

30.5.3.3 Earthworks within the National Grid Yard – Permitted activities
Subject to compliance with Rule 30.5.4.2

30.5.4.1 Buildings and Structures permitted within the National Grid Yard:

30.5.4.1.1 *A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*

30.5.4.1.2 *Any network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.*

30.5.4.1.3 *Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid Support Structure.*

30.5.4.1.4 *Any non-habitable building or structure used for agricultural activities provided that they are:*

- a. less than 2.5m high*
- b. Located at least 12m from a National Grid Support Structure*
- c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.*

30.5.4.1.5 *Alterations to existing buildings that do not alter the building envelope.*

30.5.4.1.6 *An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.*

Note – Refer to the Definitions for illustration of the National Grid Yard.

246. Non-compliance with this standard would require consent as a non-complying activity.

30.5.4.2 Earthworks permitted within the National Grid Yard:

30.5.4.2.1 *Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.*

30.5.4.2.2 *Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support structure must be no deeper than 3 metres.*

30.5.4.2.3 *Earthworks must not create an unstable batter that will affect a transmission support structure.*

30.5.4.2.4 *Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by NZECP34:2001.*

The following earthworks are exempt from the rules above:

30.5.4.2.5 *Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.*

30.5.4.2.6 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.4.2.7 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

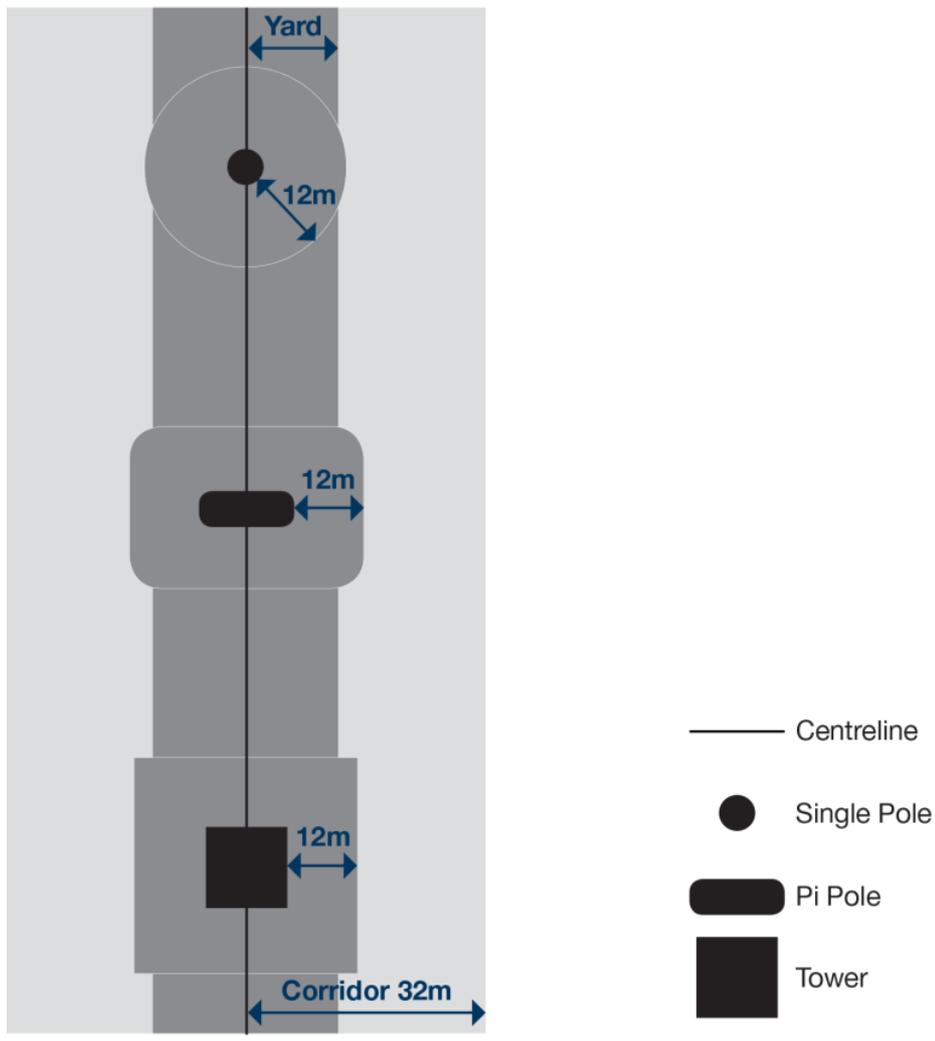
Note – Refer to the Definitions for illustration of the National Grid Yard.

247. Non-compliance with this standard would require consent as a non-complying activity.

Definitions:

National Grid *Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.*

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



National Grid Sensitive Activities Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:

- a. Day Care facility;
- b. Educational facility;
- c. Healthcare facility;
- d. Papakainga;
- e. Any residential activity; or
- f. Visitor accommodation.

5.16. New Utility Rule

248. Transpower¹⁹⁷ sought a new rule making it a restricted discretionary activity for any building or intensive development to locate within 150m of the National Grid substation so as to protect the substation from reverse sensitivity effects.

¹⁹⁷ Submission 805

249. Mr Barr did not consider another reverse sensitivity rule was justified¹⁹⁸. At the hearing, we heard from Mr Renton, Senior Principal Engineer at Transpower. He outlined in detail for us the risks associated with substations¹⁹⁹. Applying his experience in dealing with such risks, he detailed how he considered they could be managed at the Frankton substation²⁰⁰. Mr Renton helpfully described to us at the hearing the nature of the risks: noise and voltage surge. He also identified that it was how the activities occurred within the 45m setback that was more important than necessarily excluding them.
250. In her pre-lodged evidence, based on Mr Renton's evidence, Ms McLeod concluded that the provisions recommended in the Section 42A Report would be inadequate to protect the Frankton substation. She considered that a 45m setback and restricted discretionary consent required for buildings, hazardous facility or sensitive activity to establish with the set back²⁰¹.
251. At the hearing, following Mr Renton's explanation of the nature of the limitations that would actually be required on an adjoining property, we explored with Ms McLeod whether this could not be dealt with through the notice of requirement process. She agreed that was an option, but maintained her position that it was a matter that should be managed through the resource consent process. However, she did concede that, based on Mr Renton's evidence, that the matter could be managed through a controlled activity. She offered to draft a proposed rule, which was submitted by memorandum of counsel on 16 September 2016. Ms McLeod considered this rule would be better located in the relevant zone provisions rather than the Utilities Chapter, and counsel advised that Transpower supported the rule's inclusion in the Rural Zone, Medium Density Residential zone and the Frankton Flat Special Zone rules.
252. At this point we note that, following receipt of this memorandum containing Ms McLeod's redrafted rule, the Hearing Panel received a memorandum from counsel for Peter and Mary Arnott, who were the registered proprietors of a property immediately adjoining the Frankton substation. Counsel suggested there was no jurisdiction for the Panel to consider the rules proposed by Ms McLeod as there was no submission or further submission seeking such rules.
253. We agree with counsel that there are no submissions or further submissions seeking the inclusion of such a rule in the Rural, Medium Density Residential or Frankton Flats Special Zones. However, we are satisfied that the controlled activity rule is within the scope of the submission of Transpower seeking a restricted discretionary activity applying to a wider area and, thus, we are able to consider this rule for inclusion in Chapter 30.
254. Having heard Mr Renton's helpful evidence and having had a useful discussion with Ms McLeod concerning the regulatory options available, we have concluded that the controlled activity rule drafted by Ms McLeod provides a careful balance of ensuring neighbours' safety without unduly restricting the use of their land. We note that this circumstance is distinguishable from the Aurora request discussed above in that the purpose of the rule is not to restrict buildings and other structures, or to alert Transpower that a building or structure is proposed, but rather ensure the form and method of construction do not cause safety issues. We recommend the rule be included, reading as follows:

30.5.3.4 Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation

¹⁹⁸ Craig Barr, Section 42A Report, paragraphs 14.41 and 14.42

¹⁹⁹ Andrew Renton, EiC, paragraphs 55 to 66

²⁰⁰ *ibid*, paragraphs 72 to 77

²⁰¹ Ainsley McLeod, EiC, paragraphs 69 to 70

Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to:

- a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance, upgrading and development of the substation;*
- b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and*
- c. measures proposed to avoid or mitigate potential adverse effects.*

Controlled activity.

5.17. **Rules 30.4.11 and 30.4.12**

255. As notified, Rule 30.4.11 provided that lines and support structures be a controlled activity. The rule limited the lines to:

A conductor line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications.

256. Control was reserved to: location; route; height; appearance, scale and visual effects; and *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated¹.*

257. Three submissions sought amendments to this rule²⁰². PowerNet sought to distinguish the overhead lines provided for in this rule from underground lines. Aurora sought amendments to exclude minor upgrading from this rule, and to delete the final two matters of control. Transpower sought to include a permitted activity provision, with non-compliance with the standards triggering a controlled activity consent.

258. Mr Barr recommended amendments to this rule, relying on the submissions of the Telecommunication Companies, to clarify it and amending the matter of control relating to natural hazards consistent with his recommendations on Rule 30.4.15²⁰³. In his Section 42A Report he explained why he disagreed with the removal of the matter of control "Appearance, scale and visual effects" sought by Aurora²⁰⁴. In response to PowerNet's submission, he recommended a rule making underground lines/cables a permitted activity²⁰⁵.

259. In her evidence, Ms Dowd queried why there was a distinction between the provisions for overhead lines for telecommunications and those for electricity²⁰⁶. She also set out the reasons Aurora was concerned with the control in respect of appearance, scale and visual effects²⁰⁷.

²⁰² Submissions 251, 635 and 805 (supported by FS1121)

²⁰³ Sought by Submission 383

²⁰⁴ Section 42A Report, paragraph 11.9

²⁰⁵ Section 42A Report version rule 30.4.22

²⁰⁶ Joanne Dowd, EIC, paragraph 30

²⁰⁷ *ibid*, paragraph 31

260. Ms McLeod considered that the overall approach of Chapter 30, which did not provide for electricity lines, at any scale, without the need for a resource consent to not:
- a. *Give effect to Policy 2 of the NPSET 2008;*
 - b. *Have regard to Policy 3.6.4208 of the Proposed RPS;*
 - c. *Give effect to various policies within Chapter 30.209*
261. Mr Barr, in his Reply Statement, discussed this issue mainly in relation to how the activities (along with other telecommunications activities) would be controlled in the Rural Zone²¹⁰. He recommended the rules for electricity lines and telecommunication lines be located in separate tables. Within those tables, he recommended lines and support structures within “formed legal road”²¹¹ and underground cables²¹² be permitted activities. Finally, Mr Barr recommended the deletion of the matter of control related to natural hazards²¹³.
262. We consider Mr Barr’s revised version of this rule, along with the addition permitted activity rules and separating the rules for electricity lines and telecommunication lines, achieves the right balance between the competing objectives and policies, both in the PDP and in the superior statutory instruments, seeking to provide for utilities on one hand, while minimising adverse effects on the environment on the other.
263. Turning to Rule 30.4.12, as notified this provided for lines and supporting structures as discretionary activities where it involved any of 5 conditions. Those conditions read:
- 30.4.12.1 *Erecting any lattice towers for overhead lines to convey electricity in all zones.*
 - 30.4.12.2 *Erecting any support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zone.*
 - 30.4.12.3 *Erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purposes including telecommunications in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.*
 - 30.4.12.4 *Utilising any existing support structures for the erection of cable television aerials and connections.*
 - 30.4.12.5 *Erecting any support structures for overhead lines for any purpose in the area in Frankton known as the “Shotover Business Park”, except where any new poles are solely for the purpose of providing street lighting.*

²⁰⁸ Policy 4.4.4 in the Decisions Versions of the proposed RPS

²⁰⁹ Ainsley McLeod, EiC, paragraph 44

²¹⁰ Craig Barr, Reply Statement, Section 11

²¹¹ Reply Version rules 30.4.32 and 30.4.42

²¹² Reply version rules 30.4.33 and 30.4.43

²¹³ Craig Barr, Reply Statement, Section 12

264. Two submissions²¹⁴ sought the retention of this rule, one²¹⁵ sought that clause 3 contain an exclusion for minor upgrading, and one sought that the activity status be changed to controlled²¹⁶.
265. Without any specific discussion in his Section 42A Report but relying on the general Telecommunications Companies submission, Mr Barr recommended two changes to this rule²¹⁷:
- a. Deleting 30.4.12.1 and inserting the words “lines, lattice towers or” immediately before “support structures” in 30.4.12.2;
 - b. Deleting 30.4.12.4.
266. Ms McLeod confirmed her support for the Transpower relief²¹⁸, but did not discuss the rule in any detail.
267. Again there was no discussion of this rule by Mr Barr in his Reply Statement, but he recommended various changes to it in Appendix 1 attached to the reply:
- a. Deleting 30.4.12.2, but transferring it to the National Grid Table;
 - b. Deleting “including telecommunications” from 30.4.12.3, but creating a new equivalent rule in the telecommunications table with the same activity standard;
 - c. Deleting 30.4.12.5.
268. We do not think the changes made by Mr Barr cause any change to the regulatory effect of the rule, but do assist in understanding how lines are controlled in particular circumstances. We also note that we consider the deletion of 30.4.12.5 appropriate as that provision only applied to a zone which is not part of Stage 1 of the PDP. Thus it was of nugatory effect.
269. Amendments recommended by Mr Barr and Mr McCallum-Clark to ensure consistency with the NESTF 2016 involved minor wording changes with little effect on meaning. The only substantive change recommended was providing that new lines on existing structures be permitted in all instances²¹⁹.
270. The overall effect of the changes recommended to Rules 30.4.11 and 30.4.12 are:
- a. The National Grid is a permitted activity in the National Grid Corridor;
 - b. Any new high voltage (over 110kV with a capacity over 100MVA) line is a discretionary activity in all zones;
 - c. Underground electricity cables are a permitted activity in all zones, subject to ground surface re-instatement;
 - d. Electricity lines and supporting structures within the reserves of formed roads are permitted activities;
 - e. Electricity lines, other than high voltage lines, are a controlled activity provided they are not located with an ONL, on an ONF, or within a Significant Natural Area;
 - f. Electricity lines (including new high voltage lines by virtue of b. above) located with an ONL, on an ONF, or within a Significant Natural Area are discretionary activities;
 - g. Underground telecommunication lines are permitted activity in all zones, subject to ground surface re-instatement;

²¹⁴ Submissions 251 (supported by FS1085) and 580

²¹⁵ Submission 635

²¹⁶ Submission 805

²¹⁷ In Appendix 1 to the Section 42A Report

²¹⁸ Ainsley McLeod, EiC, paragraph 46

²¹⁹ Joint Witness Statement, 25 September 2017, at paragraph 2.1(h)

- h. New telecommunication lines and supporting structures within the reserves of formed roads along with new lines on existing structures are permitted activities;
- i. New telecommunication lines and supporting structures outside formed road reserve are a controlled activity provided they are not located within an ONL, on an ONF, or within a Significant Natural Area; and
- j. New telecommunication lines and supporting structures located within an ONL, on an ONF, or within a Significant Natural Area are discretionary activities.

271. We recommend that this arrangement be adopted for the reasons set out above. Rather than repeat all the relevant rules here, we will just list the relevant rule numbers from our recommended version of Chapter 30 set out in Appendix 1 to this report. The relevant rules (in the same order as above) are:

- a. Rule 30.5.3.2;
- b. Rule 30.5.3.5;
- c. Rule 30.5.5.3;
- d. Rule 30.5.5.2;
- e. Rule 30.5.5.6;
- f. Rule 30.5.5.7;
- g. Rule 30.5.6.3;
- h. Rule 30.5.6.2;
- i. Rule 30.5.6.4; and
- j. Rule 30.5.6.5.

5.18. Rules 30.4.13 and 30.4.14

272. As notified these two rules applied to “Telecommunication Facility and Radio communication Facilities Navigation, Metrological Facilities” (Rule 30.4.13, slightly different grammar in rule 30.4.14). By Rule 30.4.13 these activities were controlled activities where they involved erecting:

- 30.4.13.1 *Within the Rural Zone any mast greater than 8m but less than or equal to 15m in height.*
- 30.4.13.2 *Within the Town Centre Zones any mast greater than 8m but less than or equal to 10m in height.*
- 30.4.13.3 *in zones with a maximum building height of less than 8m (except for the Business and Industrial Zones), a mast greater than the maximum height permitted for buildings of the zone or activity area in which it is located.*
- 30.4.13.4 *If circular shaped an antenna greater than 1.2m in diameter but less than 2.4m in diameter. If another shape, an antenna greater than 1.2m in length or breadth but less than 2.4m in length and breadth.*

273. Control was reserved to:

- a. *Site location*
- b. *External appearance*
- c. *Access and parking*
- d. *Visual amenity impacts*
- e. *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property,*

*whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated*¹**Error! Bookmark not defined.**

274. Rule 30.4.14 provided that the following activities were discretionary activities:
- 30.4.14.1 *Erecting any mast, or erecting any antenna greater than 1.2m in diameter (if circular in shape) or 1.2m in length or breadth (if another shape) in:*
- *Any Outstanding Natural Landscape or Outstanding Natural Feature*
 - *Significant Natural Area*
 - *The Arrowtown Residential Historic Management Zone.*
 - *Any open space and landscape buffer areas identified on any of the Special Zone structure plans*
 - *Town Centre Special Character Areas*
 - *Heritage Features and Landscapes.*
- 30.4.14.2 *Erecting antenna greater than 2.4m in diameter or 3m in length or breadth, except omni directional (or “whip) antenna which shall not exceed 4m length, in the following zones: Residential (other than the Arrowtown Residential Historic Management Zone), Rural Lifestyle, Rural Residential, Township, Resort, Airport Mixed Use, Visitor, Town Centre, Corner Shopping Centre, Bendemeer, Penrith Park and Business Zones.*
- 30.4.14.3 *Erecting any antenna greater than 2.4m in diameter length or breadth and/or 4m in length if a whip antenna, in the Rural Zone.*
- 30.4.14.4 *Erecting a mast which is over 15m in height in the Rural Zone.*
- 30.4.14.5 *In all other zones including the Town Centre Zones with a maximum building height of less than 8m (except the Business and Industrial Zones) and erecting a mast which is over 10m in height.*
- 30.4.14.6 *In the Business and Industrial Zones, and in all other zones with a maximum building height of 8m or greater, erecting a mast which exceeds the maximum height of buildings in the zone it is located by more than 5m.*
275. Two submissions²²⁰ sought amendments to Rule 30.4.13.4 to increase the diameter of circular shaped antenna and to exclude earthworks associated with such facilities. The Telecommunication Companies²²¹ sought a complete rewrite such that most telecommunications poles, masts, antenna and ancillary equipment were permitted activities up to greater heights than provided for in Rule 13.4.13. The companies sought that erecting masts in the sensitive locations specified in rule 30.4.14.1 be a restricted discretionary activity, as would be larger antenna and masts at heights greater than provided for in their permitted activity rule. There were no other submissions on Rule 30.4.14.
276. In his Section 42A Report Mr Barr identified that the Telecommunication Companies’ submissions were lodged in anticipation of the (then) proposed NESTF 2016. At that stage, while noting that the PDP could not be more lenient than an NES, Mr Barr was only prepared to recommend minor changes. The changes proposed permitted activity status for facilities

²²⁰ Submissions 607 and 615 (supported by FS1105 and FS1137)

²²¹ Submissions 179, 191, 421 and 781

up to specified heights, controlled activity status to a higher specified height, and full discretionary status in the sensitive locations.

277. Following conferencing between Mr Barr and Mr McCallum on ensuring consistency between the PDP rules and the NESTF 2016, the one area of disagreement between Mr Barr and Mr McCallum-Clark related to the application of Regulation 47 of the NESTF 2016 as it related to the height of poles in the Rural Zone outside of an ONL or ONF. Regulation 47 reads:

47 Visual amenity landscapes

- a. *This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscape rules.*
- b. *This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscape rules that apply in that place.*
- c. *In this regulation, visual amenity landscape rules means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).*

278. The Joint Witness Statement explained the issue as follows:²²²

Rule 30.4.6, as drafted in the Council's recommended Reply version, limits the height of poles in the Rural Zone (outside of an ONF or ONL) to 15 metres in height. The NESTF 2-16 permits poles in these areas up to 25 metres in height, except where Regulation 47 is applicable and the rules in the District Plan prevail.

279. Mr Barr's position was based on the findings of the landscape reports which formed the basis for the section 32 analysis for the Rural Zone; in particular, the finding that rural land not otherwise identified as an ONL or ONF was a visual amenity landscape in terms of section 7 of the Act²²³. Thus, in his view, in those parts of the Rural Zone identified as Rural Character Landscape²²⁴ are subject to visual amenity landscape rules in terms of Regulation 47 of the NESTF 2016.

280. It was Mr McCallum-Clark's view that clause 3 of Regulation 47 set out a higher bar than a general rural amenity protection rule²²⁵. It was his view that while Regulation 47 would apply to an ONL, it would not apply to the Rural Character Landscape portions of the Rural Zone.

281. We do not think Mr McCallum-Clark is correct to suggest that an ONL would qualify under Regulation 47. Regulation 50 specifically provides for the application of ONL and ONF provisions to regulated activities. In our view, Regulation 47 must, therefore, be aimed at a lower order of landscape significance.

282. On the other hand, we consider Mr Barr's interpretation to take too broad a view of what Regulation 47(3) defines as visual amenity landscape rules. That regulation states that such rules are to be for the protection of landscape features having special visual amenity values. Strategic Objective 3.2.5.2 refers to the values of Rural Character Landscapes being "*rural character and visual amenity values*" and the relevant Strategic Policies in Chapter 3, as well as the policies in Chapter 6, do not suggest that the Rural Character Landscapes have any more

²²² C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.3

²²³ *ibid*, at paragraph 3.4

²²⁴ The term we are recommending replace Rural Landscapes Classification.

²²⁵ C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.5

than general visual amenity value, albeit that parts may have higher visual amenity value than others. Notably, the PDP does not specifically identify any landscape feature within the district that is not within an ONL or ONF.

283. Consequently, we do not agree with Mr Barr's recommendation. We recommend the relevant rule provide for poles in the Rural Zone to have a maximum height of 25 m as a permitted activity. With that amendment, we agree with the approach recommended by Mr Barr in his Reply Statement, notably replacing notified rules 30.4.13 and 30.4.14 with a permitted regime for poles to a certain height, thence discretionary. We recommend these rules read (incorporating amendments to ensure consistency with the NESTF 2016):

30.5.6.6 Poles

With a maximum height no greater than:

- 25m Rural Zone;*
- 15m in the Business Mixed Use Zone (Queenstown);*
- 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Mixed Use zones;*
- 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones;*
- 11m in any other zone; and*
- 8m in any identified Outstanding Natural Landscape.*

Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, poles must be finished in colours with a light reflectance value of less than 16%.

Permitted activity.

30.5.6.7 Poles

Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in

- a. any identified Outstanding Natural Feature;*
- b. the Arrowtown Residential Historic Management Zone;*
- c. Arrowtown Town Centre;*
- d. Queenstown Special Character Area;*
- e. Significant Natural Area;*
- f. Sites containing a Heritage Feature; and*
- g. Heritage Overlay Areas.*

Discretionary activity.

5.19. **Antennas**

284. As notified, the PDP provided rules for antennas in Rules 30.4.13 and 30.4.14. Although not discussed within his Section 42A Report, Mr Barr did recommend in Appendix 1 to that report three new rules be included providing for antennas:
- a. Providing for smaller antennas as a permitted activity (his Rule 30.4.19);
 - b. Medium scale antennas as a controlled activity (his Rule 30.4.20); and
 - c. Larger antennas and those located sensitive areas as discretionary activities (his Rule 30.4.21).

285. Mr Barr relied on the Telecommunication Companies' submissions for scope to include these. In addition, they were in part drawn from notified Rules 30.4.13 and 30.4.14.
286. Mr McCallum-Clark described these recommended rules as a rather historically-based set of dimensions which did not enable technological changes to be easily adopted²²⁶. He suggested amended provisions based on the surface area of the antennas, again split into permitted, controlled and discretionary activities.
287. In large part, in his Reply Statement, Mr Barr accepted the suggestions of Mr McCallum-Clark. In addition, in his re-arrangement to separate Electricity Distribution Activities from Telecommunication Activities, he recommended separate rules for antennas under each group of activities (being Reply Rules 30.4.36, 30.4.37, 30.4.38, 30.4.48, 30.4.49 and 30.4.50).
288. Following the conferencing of Mr Barr and Mr McCallum-Clark, they recommended minor amendments to Reply Rules 30.4.48, 30.4.49 and 30.4.50 so as to align them with Regulations 29 and 31 of NESTF 2016²²⁷.
289. The result of the various permutations the rules have gone through is that we have two sets of slightly different rules relating to antennas: those recommended by Mr Barr in his Reply in the Electricity Distribution Activities table; and those recommended by Mr Barr and Mr McCallum-Clark in the Telecommunications, Radio Communication, Navigation or Metrological Communication activities table. We did not understand that antennas would be used for electricity distribution. Rather, we understood the purpose of including the rules in that table was because electricity distributors rely in part on radio and telecommunication activities to maintain their operations. It seems to us that the rules describe the activities, not the operators, so it is irrelevant whether the user of an antenna is an electricity distributor or a telecommunications company, the rule relates to the telecommunication or radio communication (which are the same thing in reality) ability of the antenna. We conclude that these rules only need be located in the Telecommunications table.
290. We agree with the evidence of Mr Barr and Mr McCallum-Clark regarding the structure of the rules relating to antennas. We recommend the following three rules be included:

30.5.6.8 Antennas, and ancillary equipment

Provided that for panel antennas the maximum width is 0.7m and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.

Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennas must be finished in colours with a light reflectance value of less than 16%.

Permitted activity.

30.5.6.9 Antennas, and ancillary equipment

Subject to Rule 30.5.6.10, provided that for panel antennas the maximum width is between 0.7m and 1.0m and for all other antenna types the surface

²²⁶ M McCallum-Clark, EiC at paragraph 36

²²⁷ Joint Witness Statement at paragraph 2.1(k) and Appendix 1

area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.

Control is reserved to:

- a. Location
- b. appearance, colour and visual effects

Controlled activity.

30.5.6.10 Any antennas located in the following:

- a. any identified Outstanding Natural Feature;
- b. the Arrowtown Residential Historic Management Zone;
- c. Arrowtown Town Centre;
- d. Queenstown Special Character Area;
- e. Significant Natural Areas; and
- f. Heritage, Features and Heritage Overlay Areas.

Discretionary activity.

5.20. Rules 30.4.15 and 30.4.16

291. These rules, as notified, related to buildings larger than 10m² in area and 3m in height associated with utilities, other than masts for telecommunication and radio facilities, navigation or meteorological communication facility or supporting structures for lines. Under Rule 30.4.15 such buildings were a controlled activity with control reserved to:

- Location
- External appearance and visual effects
- Associated earthworks
- Parking and access
- Landscaping
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.

292. Rule 30.4.16 classified such buildings as discretionary activities where they were located in: any significant natural area; the Arrowtown Residential Historic Management Zone; or the Remarkables Park Zone. Both rules contained the following clause:

However, this rule shall not apply where the provisions of the underlying zone or a District Wide matter specify a more restrictive activity status.

293. Three submissions²²⁸ sought amendments to Rule 30.4.15, while two²²⁹ sought amendments to Rule 30.4.16. PowerNet sought that Rule 30.4.15 apply to structures as well as buildings, and, along with Aurora, sought the deletion of the provision quoted in the previous paragraph applying more restrictive zone standards. PowerNet also sought that it be clarified that smaller buildings were permitted. Ms Chin and Mr Vautier sought that such buildings be permitted where the zone provisions provided for similar scale buildings to be permitted.

²²⁸ Submissions 251, 368 and 635

²²⁹ Submissions 251 (supported by FS1117, FS1121 and FS1097) and 635

294. PowerNet sought the deletion of the application of more restrictive zone provisions from Rule 30.4.16, while Aurora sought that electricity cabinets and kiosks be exempt from this rule.
295. Although he did not specifically discuss these two rules in his Section 42A report, Mr Barr did recommend the deletion of the clause applying more restrictive provisions, from each rule. He also recommended that a permitted activity provision be included for buildings smaller than those covered by these rules, as well as some amendments to the natural hazard matter of control under Rule 30.4.15.
296. Ms Justice²³⁰ considered that the additional permitted activity rule satisfied PowerNet's concerns. Ms Dowd provided us with photographic examples of the types of equipment Aurora wanted exempted from Rule 30.4.16. It was her opinion that such equipment could be considered as controlled activities²³¹.
297. In his Reply Statement, Mr Barr continued to recommend the three rules he recommended in the Section 42A Report with only minor amendments. He deleted the matter of control relating to natural hazards consistent with his treatment of other rules, and he deleted the reference to the Remarkables Park Zone in Rule 30.4.16²³² and, as a result of him accepting that provision should be made for wind electricity generation discussed above, he included an exclusion of wind electricity generation masts from these rules.
298. We are largely in agreement with the rules as presented by Mr Barr in his reply. We do not consider that providing for utility buildings of the type proposed by Aurora, even as controlled activities, in significant natural areas or the Arrowtown Residential Historic Management Zone would be consistent with the objectives and policies in the strategic chapters of this Plan, nor with the relevant provisions of s.6 of the Act.
299. The one matter where we disagree with Mr Barr is in relation to his inclusion of wind electricity masts in the rules. The rules explicitly state that they only relate to buildings associated with a utility. Electricity generation does not fall within the definition of utility. It is only equipment and lines for the transmission and distribution of electricity that fall within that definition. Thus, in our view his inclusion is unnecessary. If it were necessary, we would have also included an exemption for free-standing solar electricity generation and solar water heating.
300. Mr Barr and Mr McCallum-Clark agreed that to ensure consistency with the NESTF 2016, the exclusions should be rather more clearly expressed in each rule. We agree and have incorporated those changes.
301. Consequently, subject to some minor grammatical changes for clarification purposes, we recommend the following three rules replace Rules 30.4.15 and 30.4.16:

30.5.1.1 Buildings associated with a Utility

Any building or cabinet or structure of 10m² or less in total footprint and 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. Masts or poles for navigation or meteorology;*

²³⁰ Megan Justice, EiC, paragraph 4.16

²³¹ Joanne Dowd, EiC, paragraph 42

²³² As this zone has been formally excluded from the PDP by the Council its deletion was automatic in any event

- b. Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- c. Lines and support structures.

Permitted activity

30.5.1.3 Buildings associated with a Utility

The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height, other than buildings located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. Masts or poles for navigation or meteorology;
- b. Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- c. Lines and support structures.

Control is reserved to:

- a. location;
- b. external appearance and visual effects;
- c. associated earthworks;
- d. parking and access;
- e. landscaping.

Controlled activity.

30.5.1.4 Buildings associated with a utility

The addition, alteration or construction of buildings in:

- a. Any Significant Natural Area
- b. The Arrowtown Residential Historic Management Area.

This rule does not apply to:

- c. Masts or poles for navigation or meteorology;
- d. Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- e. Lines and support structures.

Discretionary activity.

5.21. Rules 30.4.17 and 30.4.18

302. As notified, these rules provided for flood protection works. Rule 30.4.17 was a permitted activity described as follows:

Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of:

- maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works
- fill works undertaken within Activity Area 1f of the Shotover Country Special Zone

303. Rule 30.4.18 classified all other flood protection works as a discretionary activity.
304. Two submissions²³³ on Rule 30.4.17 both sought that the rule simply state: **Flood Protection Works** for the maintenance, reinstatement, repair or replacement of existing flood protection works. The sole submission on Rule 30.4.18 noted that the definition of utility did not include flood protection works and queried the location of the rule.
305. Mr Barr neither mentioned these rules, nor recommended any change to them, in his Section 42A Report, and we heard no evidence on them. Mr Barr did respond to submission 806 and recommend including flood protection works within the definition of utility²³⁴. The only amendment recommended by Mr Barr in his reply was to clarify the relationship between the two rules.
306. We have considered the amendments sought to Rule 30.4.17. It is clear that the rule only applies to existing flood protection works, and while the term “maintenance, reinstatement, repair or replacement” could be said to encompass the condition “maintaining the flood carrying capacity of water courses and/or maintaining the integrity of the existing river protection works”, we consider the purpose of the condition is to limit the scope of permitted works, and is therefore necessary. However, we do not understand how the second condition is relevant to this rule. It relates to an area in a zone which has not been notified in Stage 1 of the PDP, and there is no evidence that the zone will ever become part of the PDP. We agree with the submitters that it should be deleted.
307. We note that Shotover Country Limited²³⁵ opposed Submission 615 on the basis that there was no jurisdiction to remove the part of the rule related to the Shotover Country Special Zone as that zone had not been included in Stage 1 of the Review. We find that logic rather unusual. As we have explained above, we consider the reverse to be correct. The rule should not have been included in the PDP in the first place.
308. We recommend these rules be adopted as notified with the exception that the phrase “fill works undertaken within Activity Area 1f of the Shotover Country Special Zone” be deleted from Rule 30.4.17, and that the rules be renumbered 30.5.1.2 and 30.5.1.5 respectively.
- 5.22. **Rules 30.4.19, 30.4.20 and 30.4.21**
309. There were no submissions on Rules 30.4.19 and 30.4.20. The only submission²³⁶ on Rule 30.4.21 sought its deletion.
310. Mr Barr recommended the deletion of Rule 30.4.21 in his Reply Version. We agree with that recommendation and note that as the Council has withdrawn the Remarkables Park Zone from the PDP²³⁷, this rule has automatically been removed.
311. We recommend that Rules 30.4.19 and 30.4.20 be adopted without alteration subject to being renumbered 30.5.1.6 and 30.5.1.7 respectively.

²³³ Submissions 607 and 635 (supported by FS1105 and FS1137, opposed by FS1294)

²³⁴ Section 42A report, paragraph 9.53. Also note Submission 383 also sought the inclusion of flood protection works in the definition of utility.

²³⁵ Further submission 1294

²³⁶ Submission 251

²³⁷ Minutes of full Council, 25 May 2017

5.23. Rule 30.5.6

312. This standard required that where a utility was a building, it needed to be set back from internal and road boundaries in accordance with the setback requirements for accessory buildings in the relevant zone. Non-compliance required consent as a discretionary activity.
313. There were three submissions on this rule, one seeking its retention²³⁸. PowerNet²³⁹ sought that the non-compliance status changed to restricted discretionary activity. Ms Chin and Mr Vautier²⁴⁰ sought that the rule take account of building platforms, although it was unclear how it was intended this occur.
314. Mr Barr made no comments or recommendations in respect of this rule, other than changing its number in the re-arrangement proposed in the Reply Version. Ms Justice maintained her view that restricted discretionary activity status was appropriate and suggested a matter of discretion that she considered would be suitable²⁴¹. Unfortunately, as Ms Justice did not attend the hearing, we were unable to discuss her proposal with her, nor explore with her whether it covered all the matters that may be relevant.
315. Mr Barr and Mr McCallum-Clark recommended²⁴² that, to ensure consistency with the NESTF 2016, the rule should explicitly exclude:
- a. Poles, antennas, and associated cabinets (up to 10m² in area and 3m in height) for telecommunication and radio communication; and
 - b. Lines and support structures for telecommunications.
316. We agree with that recommendation.
317. In the absence of clear evidence on how the rule could be changed and still implement the relevant policies, we recommend it be adopted as notified subject to amending “shall” to “must”, inserting the exclusions recommended by Mr Barr and Mr McCallum-Clark, and changing the rule number to 30.5.2.1.

5.24. Rule 30.5.7

318. This standard set a maximum building size of 10m² in area and 3m in height for all utility buildings in ONLs and on ONFs. Non-compliance required a discretionary activity consent.
319. The four Telecommunication Companies²⁴³ sought that the rule be deleted, while PowerNet²⁴⁴ sought that it be retained.
320. Mr Barr discussed in detail the issue of utilities locating in ONLs and on ONFs in his Section 42A Report²⁴⁵. While this discussion covered the relevant objectives and policies, and several of the rules, he did not refer to this rule directly. It was not referred to by any of the other witnesses we heard from either.

²³⁸ Submission 635

²³⁹ Submission 251

²⁴⁰ Submission 368

²⁴¹ Megan Justice, EiC, paragraph 4.20

²⁴² Joint Witness Statement, dated 25 September 2017, at paragraph 2.1(k)

²⁴³ Submissions 179, 191, 421 (supported by FS1121) and 781

²⁴⁴ Submission 251, supported by FS1121

²⁴⁵ Issue 4, Section 11

321. In his Reply Statement, Mr Barr discussed the issue of utilities locating in ONLs and on ONFs again, and recommended a series of rule amendments which he considered provided appropriate management of utilities while still providing safeguards to manage the adverse effects of them, particularly where matters under section 6 of the Act were at issue²⁴⁶. His conclusion in respect of this rule was to amend it only by excluding masts and supporting structures for lines, for which he was recommending separate controls.
322. We agree with Mr Barr's reasoning and largely accept his recommendation regarding this rule. Mr Barr and Mr McCallum-Clark also recommended²⁴⁷ amending the exclusions consistent with Rules 30.5.1.1 [notified 30.4.15] and 30.5.1.3 [notified 30.4.16]. We agree with those amendments also.
323. We recommend some minor wording changes consistent with our wording of other rules in this chapter, such that it reads:

30.5.2.2 Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)

Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.

This rule does not apply to:

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

5.25. Rule 30.5.8

324. This rule provided that all buildings and structures, other than masts and antennas, had to comply with the relevant maximum height limits of the zone they were located in. Non-compliance required consent as a discretionary activity.
325. Five submissions sought the deletion of this rule²⁴⁸, and two sought amendments²⁴⁹. The submissions seeking amendments both sought exclusion of line supporting structures from the rule.
326. Mr Barr did not discuss this rule in his Section 42A Report and did not recommend any changes to it. While Mr McCallum-Clark recommended deletion of the rule, he did not clearly set out in his evidence reasons in support of that deletion. Ms Justice²⁵⁰ explained that, in terms of support structures, the Electricity Industry Standards and Regulations set out minimum safety separation distances which control the height of support structures, and that no utility provider would use support structures higher than necessary.
327. Mr Barr did not discuss this in his Reply Statement and the only amendment he recommended was a re-ordering of the exemption wording in the rule.

²⁴⁶ Craig Barr, Reply Statement, Section 11

²⁴⁷ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

²⁴⁸ Submissions 179, 191, 368, 421 (supported by FS1121) and 781 (supported by FS1342)

²⁴⁹ Submissions 251 and 638

²⁵⁰ Megan Justice, EIC, paragraph 4.21

328. We agree with PowerNet and Aurora that support structures should be exempt from this rule in the same way that masts and antennas are. We note, in coming to this conclusion, that as there is no underlying zoning of roads, there is effectively no height limit on line support structures when they are located in the road reserve due to the operation of s.9 of the Act. It would seem inconsistent to provide that support structures within the road reserve have no height restriction, but if they need to locate outside of the road reserve they need to reduce height to that applying to buildings in the relevant zone (or obtain a consent). We also agree that achieving appropriate safety separation distances for electricity lines is important, and that electricity lines companies are unlikely to use support structures taller than necessary.
329. Mr Barr and Mr McCallum-Clark recommended²⁵¹ the exclusion be worded consistent with that recommended for the previous rule. We agree that such consistency is appropriate.
330. For those reasons we recommend this rule read:

30.5.2.3 Height

All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.

This rule does not apply to:

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

5.26. Rule 30.5.9

331. This rule required that all utilities' development comply with NZS4404:2011. Non-compliance required consent as a discretionary activity.
332. Four submissions sought that rule be deleted²⁵², while PowerNet²⁵³ sought that the consent required for non-compliance be changed to restricted discretionary activity.
333. Although not discussed in his Section 42A Report, Mr Barr recommended deletion of the rule. It is our understanding that the relevant standard applies to earthworks related to subdivision²⁵⁴. There does not seem to be any direct relationship to utilities' development. We agree with the QLDC submission²⁵⁵ that compliance with such standards, to the extent it is required, would be achieved through other legislation.
334. We recommend the rule be deleted.

5.27. New Rules Relating to Telecommunications

335. The evidence provided by the Telecommunications Companies²⁵⁶ was that the changing technology of telecommunications, combined with the increasing demand for mobile services,

²⁵¹ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

²⁵² Submissions 179, 191, 383, 421 (supported by FS1121) and 781

²⁵³ Submission 251

²⁵⁴ Reasons given in Submissions 179, 191, 421 and 781

²⁵⁵ Submission 383.

²⁵⁶ G McCarrison and C Clune, Joint EiC, and M McCallum-Clark, EiC at paragraph 34

meant there was a move to small and microcells. Mr McCallum-Clark identified that if specific provision was not made for such infrastructure there was a risk that it would default to discretionary status, which, he considered, would be inappropriate.

336. Mr McCallum-Clark proposed two new activity rules²⁵⁷:
- Permitted activity status for small cells with a volume of no greater than 0.11m³; and
 - Controlled activity status for cells with a volume of between 0.11m³ and 2.5m³, with control reserved to appearance, colour and visual effects.
337. Mr Barr largely agreed with Mr McCallum-Clark's proposal²⁵⁸, although he considered that such cells should require a discretionary activity consent when located within a heritage precinct. His proposed rules²⁵⁹ also provided that any small cell with a volume exceeding 2.5m³ would require discretionary activity consent.
338. Following caucusing, Mr Barr and Mr McCallum-Clark recommended further changes to these rules²⁶⁰. First, they recommended that the permitted activity refer to "small cell unit" consistent with the use of the term in the NESTF 2016 (Regulation 38), and that a definition of "small cell unit" the same as that in the NESTF 2016 be included in the PDP. They also recommended that the reference to "small cell" in the other two rules be changed to "microcell".
339. We agree with the reasoning of Mr McCallum-Clark and Mr Barr in respect of these three proposed rules and the proposed definition, with one exception. Mr Barr's reply version provided that small cell units (as defined in the NESTF 2016) would be a discretionary activity when located within a heritage precinct. That is consistent with Regulations 38 and 46 of the NESTF 2016. However, the wording changes proposed in the Joint Witness Statement, although described as being "a minor clarification"²⁶¹ have the effect of making small cell units a permitted activity in heritage precincts. Given the lack of explanation for this change in the Joint Witness Statement we do not consider that was intended, nor do we consider it appropriate as it does not give effect to the objectives and policies of the PDP as they apply to heritage precincts.
340. Consequently we recommend the following three new rules be inserted:

30.5.6.11 Small Cell Units

Provided that the small cell unit is not located within a Heritage Precinct

Permitted activity

30.5.6.12 Microcells

A microcell and associated antennas with a volume of between 0.11m³ and 2.5m³.

Provided that the microcell is not located within a Heritage Precinct

Control is reserved to:

- appearance;*
- colour; and*

²⁵⁷ Proposed Rules 30.4.28 and 30.4.29 in the amended version of Chapter 30 attached to his EIC

²⁵⁸ C Barr, Reply Statement at paragraph 10.1

²⁵⁹ C Barr, Reply Statement, Appendix 1, Rules 30.4.51, 30.4.52 and 30.4.53

²⁶⁰ Joint Witness Statement dated 25 September 2017, at paragraphs 2.1(l), 2.1(m), 2.1(n) and 2.1(o)

²⁶¹ *ibid* at paragraph 2.1(o)

c. *visual effects*

Controlled activity

30.5.6.13 **Small Cell Units and Microcells**

30.5.13.6.1 *A microcell and associated antennas with a volume more than 2.5m³*

OR

30.5.6.13.2 *A small cell unit or microcell located within a Heritage Precinct*

Discretionary activity

341. We also recommend to the Stream 10 Hearing Panel that a new definition of “small cell unit”, as defined in the NESTF 2016, be included in Chapter 2.

5.28. **Rule 30.6**

342. This rule set out the situations in which resource consent applications for activities that would not require written consent of other person and not be notified or limited notified.

343. There were two submissions on this rule. One submission²⁶² sought that where it applied to small and community scale distributed electricity generation, it only apply to proposals having a rated capacity of less than 3.5kW. The second²⁶³ sought that notification occur for renewable energy systems over 1.2m in height.

344. Mr Barr discussed this in detail in his Section 42A Report. He noted that stand alone power systems and small and community scale distributed electricity generation are to be controlled through a series of performance standards. Non-compliance with those performance standards could have adverse effects on neighbours. He recommended deleting stand-alone power systems and small and community scale distributed electricity generation from this rule, leaving the circumstances of each application to determine whether an application be notified or not.

345. We agree with Mr Barr. We add that the proposed location of such activities in one of the sensitive locations listed in [notified] Rule 30.4.3 may also justify public notification, depending upon the circumstances of the proposal. We note that the further submission by Queenstown Park Limited opposing Submission 20 gave as its reasons that applications for utilities should generally not be notified. The activities the submission refers to are not utilities, rather they are renewable electricity generation activities.

346. In his Reply Statement, Mr Barr recommended two exceptions to the proposed rule (30.6.1.3) exempting controlled activity applications from notification, both related to activities near the National Grid. The additional wording recommended by Mr Barr read:

... except for applications when within the National Grid Corridor or within 45 m of the designated boundary of Transpower New Zealand Limited’s Frankton substation.

347. We understood from Mr Renton, as we have discussed above in Section 5.16, that Transpower preferred to work with landowners to ensure buildings and structures close to the Frankton

²⁶² Submission 383

²⁶³ Submission 20 opposed by FS1097.

Substation could be erected. It was the nature of materials and way buildings and structures were erected that was critical. From that understanding, we agree that applications under our recommended Rule 30.5.3.4 not be exempt from notification. There is value in Transpower having the ability to be involved in any such application.

348. The exemption is relation to applications in the National Grid Corridor recommended by Mr Barr is superfluous as there are no rules that we are recommending that are controlled activities in that corridor. Under recommended Rules 30.5.3.2 and 30.5.3.3 certain activities are permitted. Activities not meeting the standards applicable to those permitted activities requires consent as a non-complying activity (Rules 30.5.4.1 and 30.5.4.2).
349. Consequently, we recommend that 30.6.1.1 and 30.6.1.2 be deleted from Rule 30.6 and the remaining two clauses be renumbered, and what is now 30.6.1.1 read:

Controlled activities except for applications when within 45 m of the designated boundary of Transpower New Zealand Limited's Frankton substation.

5.29. Summary of Conclusions on Rules

350. We have set out in full in Appendix 1 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 30, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

6. CHANGES SOUGHT TO DEFINITIONS

6.1. Introduction

351. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.
352. We note that we have already dealt with the following definitions relevant to the rules relating to the National Grid in Section 5.15 above:
- a. National Grid Corridor;
 - b. National Grid Yard;
 - c. National Grid Sensitive Activities;
 - d. Sensitive Activities – Transmission corridor;
 - e. Artificial crop protection structure;
 - f. Crop support structure;
 - g. Earthworks within the National Grid Yard; and
 - h. Protective canopy.

We do not discuss those further.

353. In Section 5.14 above we dealt with the definition of “minor upgrading”.
354. Transpower²⁶⁴ lodged submissions supporting the definitions of “amenity” and “structure”. As both are terms defined in s.2 of the Act we consider no further discussion of these submissions is warranted. We recommend the submissions be accepted.
355. Aurora²⁶⁵ lodged a submission supporting the definition of “development”. In the context of this chapter, we recommend that submission be accepted.
356. The Telecommunication Companies²⁶⁶ lodged submissions supporting the definition of “height” and sought its retention. In the context of this chapter, we recommend those submissions be accepted.
357. Two of the definitions sought by Aurora²⁶⁷ were directly related to its submission seeking rules to impose setbacks from certain of its lines. We discussed this part of Aurora’s submission in detail in Section 2.2 above and recommended that it not be adopted. As the two definitions would only need to be included in the PDP if we had accepted that submission, we recommend that the submission seeking the inclusion of definitions for “critical electricity lines” and “electricity distribution line corridor” be rejected.

6.2. Building

358. As notified, this was defined as:

Building *Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:*

- *Fences and walls not exceeding 2m in height.*
- *Retaining walls that support no more than 2 vertical metres of earthworks.*
- *Structures less than 5m² in area and in addition less than 2m in height above ground level.*
- *Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.*
- *Uncovered terraces or decks that are no greater than 1m above ground level.*
- *The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race.*
- *Flagpoles not exceeding 7m in height.*
- *Building profile poles, required as part of the notification of Resource Consent applications.*
- *Public outdoor art installations sited on Council-owned land.*
- *Pergolas less than 2.5 metres in height either attached or detached to a building.*
- *Notwithstanding the definition set out in the Building Act 2004, a building shall include:*

²⁶⁴ Submission 805

²⁶⁵ Submission 635

²⁶⁶ Submissions 179, 181, 421 and 781

²⁶⁷ Submission 635

- *Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months.*

359. The Telecommunication Companies²⁶⁸ sought that this be amended to refer to the Building Act 2004 definition. Their submission was that the inclusion of a number standards in the definition caused confusion and that such standards should be included in the rules rather than the definition. Transpower²⁶⁹ supported the notified definition.

360. Mr Barr agreed with the further submission by Arcadian Triangle Ltd²⁷⁰ that the definition had been used in the ODP for at least 20 years and that it was preferable to have the exemptions listed in one place, rather than scattered repeatedly through the rules. Mr McCallum-Clark did not address this issue in his evidence and omitted this definition from his list of recommended changes to definitions²⁷¹.

361. In the absence of any evidence in support of this definition being amended, we recommend the submissions of the Telecommunication Companies and the further submissions in support be rejected, and Transpower's submission and the further submissions in opposition by Arcadian Triangle Ltd be accepted.

6.3. Telecommunications Facility

362. As notified, this read:

Telecommunications Facility *Means devices, such as aerials, dishes, antennae, wires, cables, casings, tunnels and associated equipment and support structures, and equipment shelters, such as towers, masts and poles, and equipment buildings and telephone boxes, used for the transmitting, emission or receiving of communications.*

363. The Telecommunication Companies²⁷² sought minor amendments to the wording of this definition. Mr Barr noted²⁷³ that with the replacement of the word 'facilities' with the word 'mast' in the relevant rules, this definition becomes redundant and should be deleted.

364. We agree with Mr Barr's assessment and recommend the definition be deleted.

6.4. Utility

365. As notified, this read:

Utility *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- *transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*
- *pipes and necessary incidental structures and equipment for transmitting and distributing gas;*

²⁶⁸ Submissions 179 (supported by FS1097, opposed by FS1255), 191 (supported by FS1097, opposed by FS1255), 421 (opposed by FS1117 and FS1097) and 781

²⁶⁹ Submission 805

²⁷⁰ FS1255

²⁷¹ Matthew McCallum-Clark, EiC, Appendix

²⁷² Submissions 179, 191, 421 and 781 (supported by FS1342)

²⁷³ C Barr, Reply Statement, paragraph 14.1

- *storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;*
- *water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);*
- *structures, facilities, plant and equipment for the treatment of water;*
- *structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);*
- *structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;*
- *structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.*
- *structures, facilities, plant and equipment necessary for navigation by water or air;*
- *waste management facilities; and*
- *Anything described as a network utility operation in s166 of the Resource Management act 1991*
- *Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.*

366. Seven submissions on this definition sought the following changes:
- a. Add “flood protection works”²⁷⁴;
 - b. Include “substations”²⁷⁵;
 - c. Include “temporary emergency generators” by excluding them from the exclusion of electricity generation facilities²⁷⁶;
 - d. Add “antennas, lines (including cables)” to the 6th bullet point²⁷⁷ or alternatively delete the definition and replace with the definition of “infrastructure” from the Act; and
 - e. Add “structures for transport on land by cycleways, rail, roads, walkway, or any other means”²⁷⁸.
367. Transpower²⁷⁹ supported the definition but sought a minor grammatical change to refer to transmission of electricity in the singular.
368. In his Section 42A Report²⁸⁰, Mr Barr recommended that substations and flood protection works be included in the definition, but that other submissions be rejected. Mr MacColl, appearing for NZTA, disagreed with Mr Barr’s assessment that structures for land transport were not utilities²⁸¹. He noted that NZTA was a network utility operator and thus its roading network, through the inclusion in the definition of anything described as a network utility operation by the Act, was a utility. Queenstown Park Ltd supported the NZTA amendment

²⁷⁴ Submission 383

²⁷⁵ Submission 635 supported by FS1301

²⁷⁶ Submission 635

²⁷⁷ Submissions 179 (opposed by FS1132), 191 (supported by FS1121, FS1097), 421 and 781 (supported by FS1342)

²⁷⁸ Submission 719 supported by FS1097

²⁷⁹ Submission 805

²⁸⁰ Craig Barr, Section 42A Report, paragraphs 9.53 to 9.57

²⁸¹ Anthony MacColl, EiC, paragraphs 21 to 22

provided it included gondolas²⁸². Mr Fitzpatrick appeared in support of this further submission and Mr Young filed written legal submissions.

369. In his Reply Statement, Mr Barr expressed the concern that the definition of utilities was potentially too enabling, as it could allow any person to apply the utility chapter to their activities, irrespective of whether it was an essential service to the community. He considered that the definition should simply confirm that the chapter applies only to network utility operators²⁸³. Otherwise, he did not recommend any further amendments to the definition.
370. We have some sympathy with the concerns expressed by Mr Barr in his Reply Statement. When looked at closely, for the most part the definition repeats, although with different wording, the activities described in s.166 of the Act which are undertaken by network utility operators. There are some additional activities included such as works for protection from natural hazards, waste management facilities, and facilities for meteorological activities. However, the phrase used to include reference to s.166 actually refers to the operations listed, and is not limited to network utility operators. This means, for instance, that the private operation of a road would be deemed a utility for the purposes of Chapter 30. It is exemplified by the submissions of Queenstown Park Limited suggesting that a gondola proposal of the company's should be considered a utility because it would offer a form of land transport.
371. We agree with Mr Barr that there is no scope to modify the definition to deal with this matter. We do recommend that the Council review this definition and consider, in the context of the provisions of Chapter 30 as we are recommending them, whether it is actually providing for the operations they expect it to be providing for.
372. As for the definition itself, we agree with Mr Barr that flood protection works and substations should be included. We do not consider it necessary to exclude temporary emergency generators from the exclusion as we have recommended rules in the Energy Section of the chapter to provide for such activities as generation activities. We do not consider the inclusion the NZTA sought is necessary. Rather, we consider retaining their operations through the wording of s.166 is preferable to widening it in the way the NZTA submission sought.
373. We consider the addition sought by the Telecommunication companies to be a "belts and braces" approach. The definition of Telecommunication Facilities includes those terms. It would actually be cleaner to just replace the entire 6th bullet point with the term Telecommunication Facilities, but we do consider there to be scope to make such a change.
374. We additionally note, however, for the reasons discussed in Section 4.3 above, that in our view the Council should initiate a variation to exclude airport activities and airport related activities occurring within the Airport Mixed Use zone from the definition of Utility.
375. For all of those reasons we recommend the definition of utility be as follows²⁸⁴:

Utility *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*

²⁸² Further submission 1097

²⁸³ Craig Barr, Reply Statement, paragraphs 14.11 to 14.13

²⁸⁴ We have changed the bullet points to an alphabetic list for ease of future reference

- b. pipes and necessary incidental structures and equipment for transmitting and distributing gas;
- c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;
- d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);
- e. structures, facilities, plant and equipment for the treatment of water;
- f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);
- g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;
- h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.
- i. structures, facilities, plant and equipment necessary for navigation by water or air;
- j. waste management facilities;
- k. flood protection works; and
- l. Anything described as a network utility operation in s166 of the Resource Management act 1991
- m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.

6.5. Energy Activities

376. QLDC²⁸⁵ sought the inclusion of a new definition of energy activities to read:

Energy Activities

- *Small and Community-Scale Distributed Electricity Generation and Solar Water Heating*
- *Renewable Electricity Generation*
- *Non-renewable Electricity Generation*
- *Wind Electricity Generation*
- *Solar Electricity Generation*
- *Solar Water Heating*
- *Stand-Alone Power Systems (SAPS)*
- *Biomass Electricity Generation*
- *Hydro Generation Activity*
- *Mini and Micro Hydro Electricity Generation*

377. Mr Barr recommended inclusion of this submission so as to provide clarity on which activities would be intended covered by the rules on energy activities, and that it would limit the possibility for unintended activities to be applicable²⁸⁶. There were no further submissions and no other evidence on this submission.

378. We agree with Mr Barr’s reasoning, but note that in his suggested wording he has added “Includes the following” before the list of activities. Those words undermine his rationale for

²⁸⁵ Submission 383

²⁸⁶ Craig Barr, Section 42A Report, paragraphs 9.24 and 9.25

the definition by allowing for other non-listed activities to be included. We also doubt that there is scope to widen the definition in that way. We agree the definition needs some introductory words but consider that such words should limit the term “energy activities” to those in the list and no others. Therefore, we recommend the definition read:

Energy Activities means the following activities:

- a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating;
- b. Renewable Electricity Generation;
- c. Non-renewable Electricity Generation;
- d. Wind Electricity Generation;
- e. Solar Electricity Generation;
- f. Solar Water Heating;
- g. Stand-Alone Power Systems (SAPS);
- h. Biomass Electricity Generation;
- i. Hydro Generation Activity;
- j. Mini and Micro Hydro Electricity Generation.

6.6. Electricity Distribution

379. Aurora²⁸⁷ sought the inclusion of a new definition of electricity distribution to read as follows:

Electricity Distribution Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator. For the avoidance of doubt, this includes, but is not limited to Aurora Energy Limited assets shown on the planning maps.

380. Mr Barr noted that Federated Farmers opposition was to the critical lines network provisions we dealt with earlier in this report, and they did support the notion of clarifying the lines which were not part of the national grid. Transpower supported the submission for similar reasons. Mr Barr supported the inclusion of a definition to achieve that distinction and recommended the Aurora definition be adopted, subject to deletion of the last sentence. We heard no other evidence on this definition.

381. We agree that it would be useful for the PDP to include a definition distinguishing those electricity lines that do not form part of the national grid. We recommend the definition, as modified by Mr Barr, be adopted.

6.7. Regionally Significant Infrastructure

382. Two submissions²⁸⁸ sought the inclusion of a definition of regionally significant infrastructure. Each definition was different so we do not repeat them here.

383. Mr Barr identified that this definition had been considered in the Stream 1B hearing²⁸⁹. He adopted the definition recommended by Mr Paetz in that hearing, but modified it to include reference to the sub-transmission network (Mr Barr’s term for Aurora’s “critical electricity lines”).

384. The only submissions in relation to this definition were from Mr Young on behalf of Queenstown Park Ltd. He submitted that if the gondola QPL intends to construct proceeded,

²⁸⁷ Submission 635 supported by FS1301, opposed by FS1132

²⁸⁸ Submissions 635 (supported by FS1077, FS1211, FS1097, opposed by FS1132) and 805 (supported by FS1121, FS1159, FS1340, FS1077, FS1106, FS1208, FS1211, FS1253)

²⁸⁹ Craig Barr, Section 42A Report, paragraphs 9.2 to 9.8.

it would be a significant addition to Queenstown’s tourist offering. However, we cannot see how that, nor the connection of the Remarkables Park Zone to the Remarkables ski field as referred to by Mr Young, are regionally significant. In our view, for infrastructure to be regionally significant it must do more than just serve this district.

385. We have considered the Recommendation Report of the Stream 1B Panel and agree with that Panel’s conclusion²⁹⁰ that the identification of regionally significant infrastructure is primarily a matter for the Regional Council, except where the proposed RPS might be considered ambiguous or inapplicable. We adopt that Panel’s reasoning and recommend the definition be worded as that Panel recommended.

6.8. Support Structure

386. Aurora²⁹¹ sought the inclusion of a definition of support structure reading as follows:

***Support Structure** Means a utility pole or tower that forms part of the electricity distribution network or National Grid that supports conductors as part of an electricity distribution line or transmission line. This includes any ancillary equipment, such as communication equipment or transformers, used in the conveyance of electricity.*

387. Mr Barr agreed that adding this definition would add clarity to the rules as the term is used in several places²⁹². He also considered whether it should be limited to electricity lines and concluded that as telecommunication lines have their own definition such a limitation would be satisfactory. He did recommend some minor word changes of a non-substantive nature.

388. The difficulty that we can see with the inclusion of the definition as recommended is that the term “support structures” is, as Mr Barr noted, used in the definition of telecommunication facility. The inclusion of this definition would mean that the reference in telecommunication facility would be limited to electricity lines, which is not what is intended. If “support structure” is to have a definition in the PDP it must be a definition which can be applied every time the term “support structure” is used.

389. We have examined our recommended text of Chapter 30 and related definitions and found that “support structure” is used both in relation to electricity lines and telecommunication lines, as well as other telecommunication facilities. We do not think that a satisfactory definition could be created to encompass all the actual uses of the term that would improve on the ordinary natural meaning of the words. We therefore recommend that this submission be rejected.

6.9. Reverse Sensitivity

390. Transpower²⁹³ sought the inclusion of a definition of reverse sensitivity worded as follows:

***Reverse Sensitivity:** is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The ‘sensitivity’ is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity.*

²⁹⁰ Recommendation Report 3, paragraph 768

²⁹¹ Submission 635, supported by FS1301, opposed by FS1132

²⁹² Craig Barr, Section 42A Report, paragraphs 9.26 to 9.27

²⁹³ Submission 805, supported by FS1211, opposed by FS1077

391. Mr Barr was hesitant to recommend this definition as it essentially stated caselaw from a 2008 Environment Court decision and could be subject to further refinement by the courts²⁹⁴.
392. Ms McLeod accepted Mr Barr's opinion and did not consider the definition was necessary²⁹⁵. The New Zealand Defence Force²⁹⁶ tabled a letter accepting the recommendations in the Section 42A Report.
393. We accept that agreement between the parties and recommend that Transpower's submission seeking the reverse sensitivity definition be rejected.

6.10. Small Cell Unit

394. We have explained our reasons for including this new definition in Section 5.27 above. We agree with Mr Barr and Mr McCallum-Clark²⁹⁷ that scope for the inclusion of this definition is provided by the submissions of the Telecommunications Companies²⁹⁸. We recommend that the definition read:

Small Cell Unit means a device:

- a. *that receives or transmits radiocommunication or telecommunication signals; and*
- b. *the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m³.*

²⁹⁴ Craig Barr, Section 42A Report, paragraphs 9.35 to 9.37

²⁹⁵ Ainsley McLeod, EiC, p.29

²⁹⁶ Further Submission FS1211

²⁹⁷ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(o)

²⁹⁸ Submissions 179, 191, 421 and 781

PART C: CHAPTER 35 - TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS

7. PRELIMINARY

7.1. General Submissions

395. Two submissions²⁹⁹ supported the Chapter generally. No reasons were given by either submitter. As we recommend changes to various provisions in the chapter, we recommend these submissions be accepted in part.

396. Millbrook Country Club Ltd³⁰⁰ supported the temporary activity provisions in the Chapter and considered the use of permitted activity standards was particularly efficient. Sean and Jane McLeod³⁰¹ also supported the temporary activity rules, but provided no explanation. They also generally supported the objectives and policies for temporary activities. Again, as we do recommend changes to these provisions, we recommend these submissions be accepted in part.

7.2. 35.1 – Purpose

397. There were no submissions specifically on this section, other than the general submissions discussed above. One consequential amendment is required as a result of recommendations on submissions on relocated buildings, but we will discuss that when dealing with those submissions.

398. On reviewing the section we have identified potential ambiguities in the first paragraph which need clarification. The first sentence sets out the purpose of the temporary activity provisions as being to enable a number of activities. The list commences with “temporary events”, then lists three activities which are by their nature temporary: filming; construction activities and military training. However, it then lists “utilities” and “storage”.

399. As we understand it, having considered the objectives, policies and rules in the Chapter, the intention is that provision is made for temporary utilities and temporary storage. We consider the purpose statement should be clarified by inserting temporary before each of “utilities” and “storage” so as to avoid any misunderstanding as to the effect of this chapter. We consider such an amendment to be a minor change of no substantive effect under Clause 16(2).

8. 35.2 OBJECTIVES AND POLICIES

8.1. Objective 35.2.1 and Policies

400. As notified these read:

Objective *Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.*

35.2.1.1 *Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.*

35.2.1.2 *Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.*

²⁹⁹ Submissions 19 and 21

³⁰⁰ Submission 696

³⁰¹ Submission 391, supported by FS1211

- 35.2.1.3 *Recognise that purpose-built event facilities are designed to cater for temporary activities.*
- 35.2.1.4 *Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.*
- 35.2.1.5 *Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.*
- 35.2.1.6 *Ensure temporary activities do not place an undue restriction on public access.*
- 35.2.1.7 *Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.*
- 35.2.1.8 *Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.*
- 35.2.1.9 *Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.*

401. The submissions on this objective and related policies were as follows:
- a. Support/retain Objective 35.2.1³⁰²;
 - b. Retain Policy 35.2.1.1³⁰³;
 - c. Amend Policy 35.2.1.2 by including “weddings” and “temporary functions” and deleting the daytime hours limitation³⁰⁴;
 - d. Retain Policy 35.2.1.5³⁰⁵;
 - e. Amend Policy 35.2.1.7 so it is aimed at protecting residential activities in residential zones rather than residential amenities³⁰⁶;
 - f. Retain Policy 35.2.1.8³⁰⁷;
 - g. Include a new policy concerning airspace around Queenstown and Wanaka airports³⁰⁸.
402. Ms Banks explained that the inclusion of weddings and temporary functions in Policy 35.2.1.2 was unnecessary as they fell within the definition of temporary activities³⁰⁹. She also explained that Policy 35.2.1.2, as notified, was designed to support the rule framework that specifies circumstances in which temporary activities can be exempt from noise limits. In her opinion, to delete the daytime hours limitation would undermine that framework and potentially make all temporary activities subject to noise rules of the zone they were located in³¹⁰. She did not support those changes. Ms Black appeared in support of Submissions 607, 615 and 621 but

³⁰² Submissions 197 and 433 (opposed by FS1097, FS1117)

³⁰³ Submission 433, opposed by FS1097, FS1117

³⁰⁴ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁵ Submission 719

³⁰⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁷ Submission 719

³⁰⁸ Submission 433, supported by FS1077, opposed by FS1097, FS1117

³⁰⁹ Kimberley Banks, Section 42A Report, paragraph 11.20

³¹⁰ *ibid*, paragraph 11.21

did not discuss any of the amendments sought by those submissions to Policy 35.2.1.2 or to Policy 35.2.1.7.

403. Turning to the issue of the airspace around Queenstown and Wanaka airports, as well as seeking a new policy, the submission also sought the inclusion of a new rule requiring restricted discretionary activity consent for temporary activities to breach the airports' obstacle limitation surfaces ("OLSs"). We deal with the policy and the rule as one issue.
404. Ms Banks questioned the need for specific restrictions in this chapter relating to the OLSs around the two airports when designations were in place to protect those OLSs³¹¹. Ms O'Sullivan, appearing in support of Submission 433, generally agreed with Ms Banks' conclusion, but suggested that an advice note could be included in the Chapter to advise those contemplating undertaking temporary activities that breaching the OLSs at Queenstown and Wanaka airports would require consent of the relevant requiring authority.
405. In her Reply Statement, Ms Banks accepted the suggestion of an advice note in Section 35.3.2 and helpfully suggested that showing the OLSs for Queenstown airport on the Planning Maps would also assist users. She included a draft version of the maps showing the various surfaces.
406. We agree that it is helpful to include information where plan users are likely to see it, but we consider the mapping solution proposed by Ms Banks would lead to the maps being too cluttered with information to be helpful. The inclusion of a note in this Chapter would be more practical. We recommend to the Council that the additional policy and rule sought not be accepted, but that the following advice note be included in Section 35.3.2:

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

407. In the absence of any evidence in respect of the other submissions seeking changes to these policies, we recommend that Objective 35.2.1 and associated policies be adopted as notified.

8.2. **Objective 35.2.2 and Policies**

408. As notified, these read:

Objective Temporary activities necessary to complete building and construction

35.2.2.1 *Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.*

35.2.2.2 *Provide for small-scale retail activity to serve the needs of building and construction workers.*

35.2.2.3 *Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.*

³¹¹ *ibid*, Section 9

409. The only submission³¹² on these provisions supported the retention of the objective. We recommend that submission be accepted and Objective 35.2.2 and associated policies be adopted as notified.

8.3. **Objective 35.2.3 and Policy 35.2.3.1**

410. As notified, these read:

Objective *Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.*

35.2.3.1 *Enable temporary military training to be undertaken within the District.*

411. The only submissions³¹³ on these supported the provisions. Ms Banks recommended an amendment to the objective so as to make it outcome focussed. We agree that her recommended objective is phrased as an objective and the changes are no more than minor grammatical changes. We recommend those changes be made in accordance with Clause 16(2) such that Objective 35.2.3 reads:

Objective *Temporary Military Training Activities are provided for.*

412. We recommend that Policy 35.2.3.1 be adopted as notified.

8.4. **Objective 35.2.4 and Policy 35.2.4.1**

413. As notified, these read:

Objective *Temporary Utilities needed for other temporary activities or for emergencies are provided for.*

35.2.4.1 *Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.*

414. The only submissions on these supported them and sought their retention³¹⁴. We recommend they be adopted as notified.

8.5. **Objective 35.2.5 and Policies**

415. As notified these read:

Objective *Temporary Storage is provided for in rural areas.*

35.2.5.1 *Permit temporary storage related to farming activity.*

35.2.5.2 *Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.*

416. Submissions on these sought:

- a. Support Objective 35.2.5³¹⁵;
- b. Amend Objective 35.2.5 to include visitor and resort zones³¹⁶;
- c. Support Policy 35.2.5.1³¹⁷;

³¹² Submission 197

³¹³ Submissions 197 (supported by FS1211) and 1365

³¹⁴ Submissions 635 (supported by FS1211) and 1365

³¹⁵ Submission 197

³¹⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³¹⁷ Submission 600, supported by FS1209, opposed by FS1034

- d. Amend Policy 35.2.5.1 to permit storage for exploration and prospecting³¹⁸;
 - e. Amend Policy 35.2.5.1 to permit storage for transport, tourism and visitor accommodation activities³¹⁹;
 - f. Amend Policy 35.2.5.2 to include reference to transport, tourism and visitor accommodation activities³²⁰.
417. Ms Banks discussed the submissions by the Real Journeys group³²¹ and concluded that the objective was too limiting in that it restricted temporary storage to rural areas. She did not consider any change was needed to the policies. Ms Black supported the amendment to the objective.
418. We heard no evidence in respect of the amendment sought by NZ Tungsten Mining Limited³²².
419. We agree with Ms Banks' recommended amendment to the objective. When the policies are viewed in the context of the rule to implement them (Rule 35.4.16) it is apparent that the rule and policies in combination apply in all zones. We are also of the view that there is no need to amend the policies in the manner suggested by the Real Journeys group. The policies provide a distinction that means that there is to be no limitation on storage for farming purposes, but limitations on storage for other purposes.
420. It is useful to consider Rule 35.4.16 at this time. As notified this rule provided for the following as a permitted activity:
Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.
- Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.*
421. Three submissions on this rule sought that the note also exclude the Rural Visitor Zone Walter Peak and the Cardrona Ski Activity Area³²³. Ms Banks considered that the purpose of this Chapter was to provide for temporary activities throughout the district, not include or exempt certain zones³²⁴.
422. We agree with Ms Banks that the provisions should be designed for general application. Matters specific to a zone should be included in the provisions of that zone. We also note that to accept the submitters' relief would mean they could not rely on it for temporary storage in the locations specified. We doubt that was the submitters' intention.
423. We do have some concerns with the construction of this rule. It is clear that it provides for non-farming activities to have temporary storage of goods subject to the time and area limitations in the rule. That clearly implements Policy 35.2.5.2. What the rule does not do is implement temporary storage related to farming, and it appears that, by application of Rules

³¹⁸ Submission 519, supported by FS1015, opposed by FS1356

³¹⁹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁰ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²¹ Submissions 607, 615 and 621

³²² Submission 519

³²³ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁴ Kimberley Banks, Section 42A Report, paragraph 11.30

35.4.1, such activity is actually a discretionary activity. That represents a failure to implement Policy 35.2.5.1.

424. We also are concerned about the use of an advice note to effectively state the non-compliance status of an activity failing to meet a standard. In our view this rule needs to be reviewed and rewritten to implement the relevant policies and to clearly state as a rule at what point specific zone rules apply. There is no scope in the submissions that enable us to recommend any changes to correct these problems. We recommend the Council consider a variation to remedy them.

425. Returning to Objective 35.2.5, we recommend it read:
Objective Temporary Storage is provided for.

426. We recommend the policies be adopted as notified.

8.6. Relocated Buildings

427. It is sensible to consider the objectives, policies and rules for relocated buildings in a single discussion. House Movers³²⁵ lodged a broad submission seeking the replacement of provisions relating to relocated buildings, focused on reducing the complexity of obtaining consents for relocated buildings in the District. Mr Leece and Ms Koblenia³²⁶, on the contrary, sought that the objective and rules be focussed on minimising the effects on residential amenity values from relocated buildings being located in the District.

428. As notified, the objective (35.2.6) and policies relevant to this topic read:
Objective Relocated buildings are located and designed to maintain amenity and provides a positive contribution to the environment.

35.2.6.1 *Relocated buildings provide a quality external appearance, and are compatible with the amenity of the surrounding environment.*

35.2.6.2 *Provision of wastewater, stormwater and water infrastructure minimises adverse effects.*

429. As notified, the rules provided for two tiers of relocated buildings in residential zones:

- a. The following were provided for as permitted activities:
 - i. a new build relocated residential unit that has been purpose built for relocation
 - ii. a shipping container
 - iii. an accessory building under 30m² in gross floor area that is not a shipping container
 - iv. the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site.
- b. The relocation of any building that had previously been designed, built and used for residential purposes (but not purpose built for relocation) was a controlled activity with the matters of control reserved to:
 - i. the reinstatement works that are to be completed to the exterior of the building
 - ii. the timeframe for placing the building on permanent foundations and the closing in of those foundations

³²⁵ Submission 496, opposed by FS1340

³²⁶ Submission 126

- iii. the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area
 - iv. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.
430. In a rural zone, all relocated buildings and shipping containers, to a maximum of one per site, were a controlled activity with the matters of control as for the residential controlled activity.
431. In addition to the broad submissions noted above:
- a. One submission supported Objective 35.2.6³²⁷;
 - b. One submissions supported Rule 35.4.4³²⁸; and
 - c. One submissions sought the rewrite of Rule 35.4.2 and the deletion of Rules 35.4.3 and 35.4.4³²⁹;
 - d. One submissions sought the deletion of the term “shipping containers” from Rule 35.4.4³³⁰.
432. The relief sought by Submission 383 was that all relocated buildings, other than a shipping container or an accessory building smaller than 36m², would be controlled activities in all zones.
433. Ms Banks discussed these provisions at some length in her Section 42A Report³³¹. It was her conclusion at that point that:
- a. Relocated buildings should be treated the same across all zones;
 - b. Controlled activity consent should be required for all relocated buildings;
 - c. Shipping containers should be removed from these rules and treated as buildings (as per the definition of “building”);
 - d. The definition of “relocated building” exclude pre-fabricated buildings delivered dismantled to a site;
 - e. The concern of QAC³³² that relocated buildings be appropriately insulated was covered by the requirement that the provisions of the relevant zone apply in addition to the relocation provisions.
434. At the hearing, Mr Ryan presented submissions on behalf of House Movers, and Mr Scobie tabled a brief of evidence. Mr Ryan’s submissions were, in essence, that relocated buildings should be provided for as permitted activities subject to a number of performance standards, relying on the Environment Court’s decision³³³ in Central Otago District regarding rules for relocated dwellings. In that decision, the Environment Court concluded that, in the absence of identifiable differences in effects, relocated buildings should not be treated differently to *in situ* built housing.

³²⁷ Submission 197

³²⁸ Submission 600, supported by FS1209, opposed by FS1034

³²⁹ Submission 383

³³⁰ Submission 519, supported by FS1015, opposed by FS1356

³³¹ Pages 10 -24

³³² FS1340

³³³ New Zealand Heavy Haulage Association Inc v Central Otago District Council, C45/2004

435. The performance standards Mr Ryan submitted should apply to the a permitted activity for relocated buildings were³³⁴:
- a. *Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed, built and used as a dwelling.*
 - b. *A building pre-inspection report prepared by a licenced building practitioner shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the buildings.*
 - c. *The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*
 - d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (b) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
 - e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period.*
436. It was Mr Ryan’s submission that the standards were enforceable, had the advantage of being known in advance, and had lower transaction fees than a consent application. Of particular concern of the House Movers was the QLDC submission³³⁵ seeking the imposition of financial bonds. Mr Ryan did agree that relocated buildings should comply with the applicable zone standards, including noise insulation where required. He thus accepted the point raised by QAC.
437. Mr Scobie’s evidence described the house moving process and provided us with an example “Building Pre-Inspection Report for Relocation”. Mr Scobie also attached to his evidence a map showing the activity status for relocated building for each district in the country.
438. In her Reply Statement, Ms Banks maintained her opinion that relocated buildings should be a controlled activity. She had undertaken a review of consents for relocated buildings since 2014. These numbered 30, and were generally subject to fairly standard conditions. These usually required reinstatement within a 6-month timeframe. She was not satisfied that the pre-inspection report proposed by Mr Ryan would be an effective way of managing the defined issues the controlled activity rule is designed to address. She also was concerned that enforcement of standards for a permitted activity would require a high level of monitoring.
439. We have given this issue considerable thought. As the district has a high cost of housing, we do not want to discourage activities which may facilitate the provision of more affordable homes. However, we can see that the regime promoted by House Movers may have consequences for the Council that may not occur in other districts. We agree with Ms Banks that permitted activities should not require monitoring or processing effort to ensure that standards are complied with. While we recognise that the PDP contains a number of standards for permitted activities, when one is dealing with buildings, those generally relate to the location of the building on the site, and in some instances exterior finishes. Those matters are readily dealt with off building permit plans. However, the performance standards proposed by House Movers would require the Council to undertake monitoring for up to 12 months to

³³⁴ Adapted from the C45/2004

³³⁵ Submission 383

ensure the reinstatement work had been carried out, at the Council's cost, with no ability to recoup that cost.

440. We also note that the controlled activity process gives the applicant the opportunity to propose or request conditions that may be more appropriate to their circumstances than the fixed performance regime would do. Under that regime, to vary any of the standards would require a full discretionary activity consent. We note at this point that House Movers' submission did suggest that failure to meet the permitted activity standards should require a non-notified controlled activity consent. This was not covered in Mr Ryan's submissions and we conclude he chose not to pursue that part of the submission. We cannot see how a failure to meet performance standards can be satisfactorily managed by the Council through a consent process which requires the grant of consent and application of conditions limited to pre-stated matters, which would most likely restate the performance standards.

441. Ms Banks recommended that Objective 35.2.6 be rephrased as

Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

442. We consider that captures succinctly the purpose of the Council's involvement in the process of relocation. We did not understand Mr Ryan to suggest that relocated buildings should not achieve that outcome. We understood his submission to be that the outcome could be achieved by the performance standards he proposed

443. We consider the controlled activity rule as proposed by Ms Banks in her Reply Version provides the appropriate balance between the need for certainty by the applicant along with minimal transaction costs, and the ability of the Council to adequately manage the resources of the District, both in terms of achieving the objectives the PDP sets out, and in fulfilling its monitoring role. We consider it the most effective and efficient means of achieving the reworded objective.

444. Having concluded that the controlled activity regime is the most appropriate means of managing relocated buildings, we agree with Ms Banks' recommended wording for Policy 35.2.6.1 and her redrafted Rule 35.4.2. We recommend the Council adopt the wording of Objective 35.2.6 as set out above, and the wording of Policy 35.2.6.1 as set out below. We recommend that Policy 35.2.6.2 be deleted as unnecessary.

35.2.6.1 Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

445. We recommend that Relocated Buildings be listed in Rule 35.4.2 as controlled activities, with control reserved to:

- a. *The reinstatement works required to the exterior of the building and the timeline to execute such works;*
- b. *The timeframe for placing the building on permanent foundations and the closing in of those foundations;*
- c. *The nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.*

446. Consistent with our general approach of listing permitted activities first, we recommend this rule be renumbered to 35.4.13. We have set out the provisions in full in Appendix 2.

8.7. Summary

447. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

8.8. 35.3 – Other Provisions and Rules

448. There were three submissions on this section:

- a. Delete 35.3.2.4 as it duplicates Rule 35.4.2³³⁶;
- b. Provide that any activity that is a permitted activity under this Chapter is not required to comply with the applicable zone rules³³⁷;
- c. Clarify that other District Wide Rules do not apply to temporary activities³³⁸;

449. Ms Banks considered these three submissions and concluded that:

- a. It was more helpful to have all the clarifications in one place;
- b. The notified wording of 35.3.2.3 made it clear that temporary activities did not need consents under zone rules; and
- c. That it would be useful to include a further clarification confirming that the Chapter 36 Noise provisions applied in circumstances specified by the temporary activity rules³³⁹.

450. In her Reply Statement Ms Banks additionally suggested further advice notes:

- a. Advising that the pre-fabricated buildings delivered dismantled to a site were not considered relocated buildings;
- b. Advising that food and beverages, and the sale of alcohol, were not regulated by the temporary event rules;
- c. The advice note regarding the OLSs discussed above.

451. Our amendments to this section are minor points of clarification consistent with the overall approach taken in other chapters. We agree with Ms Banks' response to the submissions and the addition of advice notes. We have changed Ms Banks' note regarding relocated buildings to make it clear that a newly built house constructed off-site and moved on to a site does not fall within the definition of relocated building. Her definition's reference to "dismantled" seemed to imply that pre-fabricated buildings needed to be dismantled again and re-fabricated on-site. We are sure that was not the intention.

452. Our other clarification, as with other chapters, is to identify that 35.3.2.1 through to 35.2.3.5 are rules for explanatory purposes, as opposed to the advice notes that follow the rules.

³³⁶ Submission 383

³³⁷ Submission 837, supported by FS1211, FS1342

³³⁸ Submission 1365

³³⁹ Kimberley Banks, Section 42A Report, Section 15

9. 35.4 – RULES - ACTIVITIES

9.1. Rule 35.4.1

453. This rule, as notified, set as a discretionary activity:
Any other Activity not listed in this table.

454. There were no submissions directly on this rule, although as noted in the discussion on relocated buildings above, House Movers did seek a different provision in respect of relocated buildings not complying with the standards proposed by that submitter.

455. In response to our questioning during the hearing, Ms Banks carefully considered the relationship of this rule and the non-compliance status of standards in Section 35.5 in some detail in her Reply Statement³⁴⁰. As a consequence of that analysis, she concluded plan users would be assisted by some modifications to this rule to make it clear that it was where an activity was a temporary activity or relocated building that did not satisfy the requirements of the table in Rule 35.4 that this rule took effect. She considered this a clarification that did not make any substantive regulatory changes.

456. We agree with Ms Banks that some amendment to this rule is helpful. We agree with her that the amendments are for clarification purposes and come within Clause 16(2). We have modified her wording a little to make the intent clearer. We recommend the rule be reworded as follows:

Any Temporary Activity or Relocated Building not otherwise listed as a permitted or controlled activity in this table.

457. We recommend that rule remain a discretionary activity. Consistent with our overall approach listing the rules with permitted activities first, followed by the more restrictive categories, we recommend this rule be the final rule in the table rather than the first, and consequently renumbered as 35.4.14.

9.2. Rules 35.4.2 to 35.4.4

458. These have been dealt with in our discussion of relocated buildings in section 8.6 above.

9.3. Rule 35.4.5 – Temporary Events

459. As notified, this rule made it a permitted activity for temporary events to occur on public conservation land subject to a valid concession for the event being held. The rule specified that the relevant noise standards for the zone did not apply.

460. The only submission on this rule supported its retention³⁴¹, and there were no recommended amendments from Ms Banks. We recommend a minor grammatical change in relation to the application of noise standards such that it states “do not apply” in place of “shall not apply”. We consider this to be a minor change with no change in regulatory effect which can be made under Clause 16(2). Other than that change, we recommend the rule be adopted as notified and renumbered 35.4.1.

9.4. Rule 35.4.6 – Temporary Events

461. As notified this rule provided as a permitted activity for temporary events held with permanent, purpose built, hotel complexes, conference centres or civic buildings.

³⁴⁰ Kimberley Banks, Reply Statement, Section 3

³⁴¹ Submission 373

462. There were no submissions on this rule and we recommend it be adopted as notified, but renumbered as 35.4.2.

9.5. **Rule 35.4.7 – Temporary Events**

463. As notified this rule provided for, as a permitted activity, temporary events held on Council-owned public recreation land. The activity did not need to comply with the zone noise rules, however “noise events” were not to occur during hours when the night-time noise rules of the relevant zone were in effect, other than on New Year’s Eve.

464. “Noise event” is defined in Chapter 2 as

Noise Event Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.

Where amplified noise ceases during a particular event, the event is not longer considered a noise event.

465. There were no submissions in respect of this rule or the definition of noise event. Ms Banks recommended that the exclusion of the activity from zone noise standards be amended to refer to noise limits to ensure consistency throughout the Plan. We are unsure why she has recommended this alteration be made to this rule, but not to the previous rule, nor the following three rules.

466. We recommend the term remain “standard”. We do, however, consider the phrase needs to be changed to read “do not apply” consistent with our recommendation on rule 35.4.5.

467. Other than that amendment, which can be made under Clause 16(2), we recommend Rule 35.4.7 be adopted as notified, subject to being renumbered as 35.4.3.

468. We have Identified that the definition of Noise Event contains a typographical error in the second sentence, where the statement “the event is not longer” should read “the event is no longer”. We recommend to the Stream 10 Hearing Panel that this be corrected as a minor amendment using Clause 16(2).

9.6. **Rule 35.4.8 – Other Temporary Events**

469. As notified, this rule provided, as a permitted activity, for other temporary events subject to the following restrictions:

- a. *The number of persons (including staff) participating does not exceed 500 persons at any one time*
- b. *The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down)*
- c. *The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted*
- d. *No site shall be used for any temporary event more than 12 times in any calendar 12 month period*
- e. *All structures and equipment are removed from the site within 3 working days of the completion of the event*
- f. *For the purpose of this rule the relevant noise standards of the Zone shall not apply.*

470. Submissions on this rule sought the following:

- i. Retain the rule³⁴²;

³⁴² Submissions 438 and 719

- ii. Amend the noise exemption³⁴³
- iii. Extend the permitted hours of the activity³⁴⁴;
- iv. Exclude activities carried out in the Cardrona Ski Activity Area or Walter Peak Rural Visitor Zone³⁴⁵;
- v. Amend the fourth bullet point to limit activity to 7 times per year³⁴⁶;
- vi. Amend fourth bullet point to increase frequency permitted to 24 times per year³⁴⁷.

471. Ms Banks discussed these in her Section 42A Report. The only amendment she recommended was that the frequency of temporary events be reduced to 7 times per calendar year as requested by QLDC.
472. We agree with Ms Banks that the relief sought by the Real Journeys group³⁴⁸, that the Cardrona ski area and the Walter Peak Station Rural Visitor Zone be excluded from the rule, could lead to an excessive level of activity at either location relying on that activity being a temporary event. Ms Black, appearing for Real Journeys Ltd and Te Anau Developments Ltd, limited her discussion of this rule to the second bullet point. She contended that the 3 day limit, including set up and pack down was too short, pointing to activities such as the Queenstown Winter Festival or the Winter Games. We note that neither of these examples relates to the Walter Peak Rural Visitor Zone.
473. In our view, the Real Journeys group have misconstrued the purpose of this rule. It is to provide for truly temporary events locating in places where the temporary events are not the everyday activity for the site. Hence the list of limitations applying. As a permitted activity, we would not expect this rule to provide for every event an organisation may wish to hold. We consider that in circumstances where events do not meet the criteria listed in this rule, and they do not comply with the zone rules, it is appropriate for a consent to be required so that potential adverse effects on the environment can be appropriately managed. Finally on this issue, we note that the Walter Peak Rural Visitor Zone is an ODP zone and this Chapter does not apply to that zone.
474. Mr Buckham's submission³⁴⁹ sought to limit the period that temporary activities were exempt from the zone noise standards to 0800 hours to 2000 hours, and require compliance with the noise standards outside of those hours, while extending the permitted evening hours (third bullet point) from 8pm to 12:30am. He also sought to increase the frequency permitted to 24 per calendar year.
475. Dealing with frequency first, we note Ms Banks' comments that as notified, the rule could allow 6 days or more (including set up and pack down) per month and be beyond the scope of a temporary event³⁵⁰. We agree that if a single site is being used for events at that frequency and for that duration, it is not temporary. To double that, as Mr Buckham seeks, could lead to half the working days each month being dedicated to such events.

³⁴³ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁴ *ibid*

³⁴⁵ Submissions 607, 615 (supported by FS1105, FS1137), 621

³⁴⁶ Submission 383

³⁴⁷ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁸ Submissions 607, 615 and 621

³⁴⁹ Submission 837

³⁵⁰ Kimberley Banks, Section 42A Report, Section 13, p.37

476. We accept Ms Banks’ recommendation that 7 times per calendar year is a reasonable level of temporary activity as a permitted activity.
477. We did not have the benefit of hearing from Mr Buckham, but perceive that his aim concerning the hours and noise limit amendments was to allow such activities to occur longer subject to compliance with noise standards. That was the rationale stated in the further submission by Te Anau Developments Ltd³⁵¹, although that was stated as applying to events going later than 10pm. Ms Black did not elaborate on this issue.
478. In the absence of any evidence in support of these changes justifying the need for them, or the adequacy of the proposed rules to ensure adverse effects do not spill over onto adjoining land, we see no reason to change them.
479. As a consequence, the only amendments we recommend to this rule are:
- a. Amend the fourth bullet point to limit occurrence to no more than 7 times per calendar year;
 - b. Consistent with our amendments to other rules, amend the final bullet point to say “do not apply” (under Clause 16(2));
 - c. Change bullet points to an alphanumeric list; and
 - d. Renumber the rule to 35.4.4.
480. The two relevant bullet points are recommended to read:
- d. *no site shall be used for any temporary event more than 7 times in any calendar year;*
 - f. *for the purpose of this rule the relevant noise standards of the Zone do not apply.*

9.7. Rule 35.4.9 – Temporary Events – Informal Airports

481. Although titled “Temporary Events” this rule actually provides for informal airports for rotary wing aircraft flights in association with the use of the site for temporary public events as a permitted activity. The activity is subject to the following criteria:
- *The informal airport is only used during the hours of 0800 – 2000*
 - *No site shall be used for an informal airport for more than 7 days in any calendar year*
 - *No site shall be used for an informal airport more than one day in any calendar month*
 - *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*
 - *The temporary community event must be open to the general public to attend (whether ticketed or not).*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply.

482. There was on one submission on this rule³⁵². This sought that the activity be extended to all temporary events, be allowed to operate for 20 days per year, with no limit per month. No evidence was received in support of this submission.
483. In the absence of evidence, we are not prepared to extend this aspect of temporary events in the manner suggested by the submitter. We are satisfied that the Council has achieved a satisfactory balance with the combination of restrictions included in the rule.

³⁵¹ FS1342

³⁵² Submission 837, opposed by FS1127

484. Ms Banks did suggest some minor wording changes for clarification purposes. She suggested replacing “temporary public events” with “temporary events that are open to the general public” in the description of the activity. While we agree that clarifies the nature of the event, it brings into question whether the last bullet point is necessary if that change is made.
485. Ms Banks also recommended inserting “a total of” before “7 days” in the second bullet point. She considered this necessary to clarify that it was not intended that the days be consecutive³⁵³. We do not consider this change is necessary in this rule.
486. The only changes we recommend to this rule are minor grammatical and clarification changes relying on Clause 16(2). We recommend the rule, renumbered 34.5.5, read:
Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:
- a. *The informal airport is only used during the hours of 0800 – 2000;*
 - b. *No site shall be used for an informal airport for more than 7 days in any calendar year;*
 - c. *No site shall be used for an informal airport more than one day in any calendar month;*
 - d. *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*

For the purpose of this Rule the relevant noise standards of the Zone do not apply.

9.8. Rule 35.4.10 – Temporary Filming

487. As notified, this rule provided for temporary filming activities on public conservation land, including use as an informal airport, as a permitted activity provided a valid concession was held for the temporary filming.
488. This rule was supported by the Director-General, Department of Conservation³⁵⁴. Although a further submission in opposition to this submission was listed in the Schedule of Submissions³⁵⁵, that was directed to an unrelated matter.

489. We recommend the rule be adopted as notified subject to renumbering as 35.4.6.

9.9. Rule 35.4.11 – Temporary Filming

490. This rule provided, as a permitted activity, for temporary filming on land other than conservation land, including using land as an informal airport as part of the filming activity, subject to the following limitations:
- *The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone*
 - *Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than 30 days, in any 12 month period.*
 - *In any other Zone, any temporary filming activity does not occur on a site for a period longer than 30 days (in any 12 month period) with the maximum duration of film shooting not exceeding 7 days in any 12 month period.*
 - *All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated.*

³⁵³ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁴ Submission 373

³⁵⁵ Section 42A Report, Appendix 2

- *The use of land as an informal airport as part of filming activity is restricted to the Rural Zone.*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.

491. There were no submissions on this rule and Ms Banks initially made no recommendations to change it. However, following our questions as to the meaning of the second and third bullet points, Ms Banks recommended the wording of those clauses be amended to clarify that there is no requirement that days be consecutive³⁵⁶. We agree with her recommended wording and agree that it a minor change that falls within the ambit of Clause 16(2). Subject to those changes, changing “shall” to “do” in the last clause, changing the bullet points to an alphanumeric list, and renumbering the rule as 35.4.7, we recommend the rule be adopted as notified. The full text is set out in Appendix 2.

9.10. **Rule 35.4.12 – Temporary Construction-Related Activities**

492. This rule provided for temporary construction-related activities, such as buildings, scaffolding and cranes, ancillary to a construction project as permitted activities.

493. The only submissions on this rule were from the Real Journeys group³⁵⁷. Their submissions sought that

- a. The rule also provide for construction of vessel survey undertaken in relation to the TSS Earnslaw and other associated structures; and
- b. Associated with construction of buildings, structure and infrastructure at Cardrona ski area and Walter Peak Rural Visitor Zone.

494. We are unsure of the rationale of the submitters given that the rule provides for temporary construction works as a permitted activity. Ms Black did not deal with this matter when she provided evidence.

495. In the absence of evidence we would only be speculating as to the intention of the submitters. We recommend the submissions be rejected and the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and renumbering as 35.4.8.

9.11. **Rule 35.4.13 – Temporary Construction-Related Activities**

496. This rule provided for, as a permitted activity, the provision of temporary food/beverage retail activities for the direct purpose of serving workers of an active building or construction site.

497. Again the only submitters were the Real Journeys group³⁵⁸. The submissions sought the inclusion of the words so that the activity was “for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project”.

498. As with the previous rule, no evidence was led by the submitter on this rule. We consider the submitters have misconceived the purpose of the rule and appear to be attempting to alter it to create a totally different activity.

³⁵⁶ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁷ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁵⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

499. We recommend the submissions be rejected and the rule be adopted as notified, subject to renumbering as 35.4.9.

9.12. **Rule 35.4.14 – Temporary Military Training**

500. This rule provided for temporary military training as a permitted activity. The sole submission sought the retention of the rule³⁵⁹.

501. We agree and recommend the rule be adopted as notified, subject to being renumbered 35.4.10.

9.13. **Rule 35.4.15 – Temporary Utilities**

502. This rule provided for temporary utilities as a permitted activity. The sole submission sought the retention of the rule³⁶⁰.

503. We agree and recommend the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and the rule being renumbered 35.4.11.

9.14. **Rule 35.4.16 – Temporary Storage**

504. We have dealt with this in Section 8.5 above. We recommend that it be adopted as notified subject to being renumbered 35.4.12.

9.15. **Additional Rules Sought**

505. The Real Journeys group³⁶¹ sought the inclusion of two new activity rules:

- a. To permit temporary activities (including storage) carried out within the Cardrona ski area and the Walter Peak Rural Visitor Zone; and
- b. Provide a new Temporary food/beverage retail activity rule to permit the serving of people at temporary events and functions.

506. Ms Banks, in her Section 42A Report spent considerable time dealing with the various submissions by the Real Journeys group, including these two additional provisions³⁶². In contrast, Real Journeys group presented nothing to us at the hearing on these submissions. As we have noted above, Ms Black's evidence was limited to supporting Ms Banks' recommended change to Objective 35.2.5 and one clause of Rule 35.4.6. The lack of evidence has not assisted us in understanding what the submitters are either concerned about, or what they seek that is different from what the PDP provides.

507. In our view, the simple answer is that the temporary activity provisions as we are recommending them will apply in the Cardrona ski area. As the Walter Peak Rural Visitor Zone was not notified in Stage 1, these provisions will not immediately have effect on that land as it is not included in the PDP at present (nor, should we say, would any rule we could recommend specifically apply to that zone). At a subsequent stage, when the Walter Peak area is given a zoning in the PDP, then the temporary activity rules will apply there also. Thus, in one location what is sought in (a) is unnecessary, and in the other, it cannot be provided at present in any event.

³⁵⁹ Submission 1365

³⁶⁰ Submission 635

³⁶¹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶² Kimberley Banks, Section 42A Report, Section 11

508. As to (b), we do not understand why there needs to be an additional rule specifying that people can serve food and beverages at temporary events such as weddings. In our view, such serving is part of the event.
509. We recommend both of these submission points be rejected in all three submissions.
510. QPL³⁶³ sought that a consistent management approach be provided for all temporary events, whether on conservation land or private land. While a new rule was not explicitly sought, this seems the appropriate location to deal with this issue. As we understand it, where a temporary activity, whether an event or filming, is to be held on conservation land, a valid concession must be obtained. It seems appropriate to us that the applicants for such concessions need not apply additionally to the Council for a resource consent to have the same or similar matters dealt with.
511. Mr Young's submissions on this matter seems to imply that private land owners should be granted the same rights as the Council or Department of Conservation in hosting temporary events. Mr Young did not discuss the effect the Reserves Act or Conservation Act would have on applications to the Council or Department for temporary events on private land. Unfortunately, he did not attend the hearing so we were unable to discuss this matter with him, or how he his client saw that temporary events on private land were disadvantaged. Mr Fitzpatrick did not raise this matter when he appeared.
512. Ms Banks dealt with this matter in her Reply Statement³⁶⁴. She set out the process applicants for temporary events on Council reserve land must go through. It was her opinion, that the provisions in the PDP relating to temporary events on private land were more enabling than in the ODP, and that no further changes were required in response to this submission.
513. We agree with her assessment and recommend that this submission be rejected.

10. 35.5 – RULES – STANDARDS

10.1. Rule 35.5.1

514. As notified this rule set a requirement for shipping containers used as relocated buildings to have signage removed and to be painted where used on a site for more than 2 months. Non-compliance required consent as a non-complying activity.
515. The only submissions³⁶⁵ on this standard sought that the two months be changed to three months.
516. Ms Banks set out in the Section 42A Report why she considered shipping containers should not be considered different from any other building and noted that the definition of building in the PDP includes the use of shipping containers as buildings in certain circumstances³⁶⁶. She recommended this rule be deleted (along with other provisions relating to shipping containers) and that they be managed by the relevant zone rules. She identified that the House Movers submission provided scope for this deletion.

³⁶³ Submission 806

³⁶⁴ Kimberley Banks, Reply Statement, Section 8

³⁶⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶⁶ Kimberley Banks, Section 42A Report, paragraphs 7.40 to 7.50

517. We agree with Ms Banks' assessment of the issue. The rule appears anomalous when a controlled activity consent is required for any relocated building, and the matters of control include the external appearance. We recommend that the standard be deleted, accepting in part the submissions by the Real Journeys group.

10.2. Rule 35.5.2

518. This standard requires that all fixed exterior lighting be directed away from adjacent sites and roads. Failure to comply requires consent as a restricted discretionary activity with the Council's discretion limited to the effect of lighting on the amenity of adjoining properties.

519. The only submissions³⁶⁷ on this standard sought that it not apply to "glare from lighting used for health and safety purposes". The submitters also suggested the inclusion of an additional rule stating that the glare from such lighting was a permitted activity.

520. Ms Banks did not discuss this in her Section 42A Report, but did recommend deleting "fixed exterior" from the rule based on Submission 607 and FS1097.

521. We are unsure what this standard is designed to regulate. The Section 32 Assessment suggests it is related to temporary activities³⁶⁸ but one would not expect temporary activities to have fixed exterior lighting. Rather, one would expect temporary lighting.

522. We do not agree with Ms Banks' recommendation as that appears to do the opposite to what the submitters sought, by widening the effect of the standard to apply to all lighting. We doubt that there is scope for such a change.

523. The submitters presented no evidence or comment on this provision. We are hesitant to provide a blanket exemption for a category of lighting that is for "health and safety purposes" as that could include all lighting at a temporary event.

524. The only amendment we recommend is a minor grammatical change relying on Clause 16(2) to change "shall" to "must". In our view, the imperative of "must" is more appropriate language in a standard.

525. We recommend the rule be adopted as notified, subject the minor amendment described above and renumbering it as 35.5.1, but that the Council re-examine what the purpose of the standard is, and in the light of the results of that consideration, whether it is necessary or appropriately framed.

10.3. Rules 35.5.3 and 35.5.4

526. These rules provide standards for, respectively, waste management and sanitation. There were no submissions on these standards. Again we recommend the term "shall" be changed to "must", but otherwise recommend they be adopted as notified and renumbered 35.5.2 and 35.5.3 respectively.

11. RULES – NON-NOTIFICATION

527. This provision exempts temporary filming from requiring the written consent of other persons and from limited or public notification.

³⁶⁷ Submissions 607 (supported by FS1097), 615 (supported by FS1105, FS1137) and 621
³⁶⁸ page 40

528. The only submission on this was by QAC³⁶⁹ in relation to the issue of temporary activities piercing the OLSs. We have dealt with the issue above in Section 8.1 and concluded an advice note was the appropriate solution to the issue and that deals with QAC's submission on this provision as well.

529. We recommend the provision be adopted as notified.

11.1. Summary of Conclusions on Rules

530. We have set out in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 35, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

12. CHANGES SOUGHT TO DEFINITIONS

12.1. Introduction

531. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

532. We have already dealt with the definition of "Noise Event", which was not subject to any submissions. We will not repeat that discussion here.

12.2. Relocated Buildings

533. As notified, Chapter 2 contained the following definitions relevant to relocated buildings:
Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation.

Relocatable Means not constructed for permanent location on any particular site and readily capable of removal to another site.

Relocation In relation to a building, means the removal and resiting of any building from any site to another site.

534. House Movers³⁷⁰ sought the PDP include the following definitions, which the submitter stated was consistent with the industry's usage:

Relocated Building means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.

Removal of a Building means the shifting of a building off a site.^[17]

³⁶⁹ Submission 433, opposed by FS1097, FS1117

³⁷⁰ Submission 496

Relocation of a Building means the placement of a relocated building on its destination site.³⁷¹

Re-siting of a Building means shifting a building within a site.

535. Ms Banks discussed these proposed definitions and considered adoption of them in part would assist in alleviating interpretation difficulties that have arisen under the ODP using the definitions as notified³⁷¹. Mr Ryan³⁷² did not take any issue with Ms Banks' modified definitions at the hearing.
536. We largely agree with Ms Banks' opinion on the value of amending these definitions. We do also recommend some further minor changes to the definition of Relocated Building. We consider the exclusion of pre-fabricated buildings needs to be clarified such that it applies to newly created prefabricated buildings, and that the requirement they be dismantled for transport be removed. While "dismantled" may mean a small degree of dismantling, we would not want such a term to be construed as requiring a prefabricated building be deconstructed for transport then re-fabricated on site. That would amount to placing such buildings in the same category as prefabricated roof trusses. We consider the definition is less open to perverse interpretations if the exclusion reads "any newly prefabricated building which is delivered to a site for erection on that site".
537. We do not agree with Ms Banks that it unnecessary to replace the notified definition of "Relocation". Given the recommended new definition of "Re-siting", the use of that term within the definition of "Relocation" will create further ambiguity and confusion. We consider that deleting "and resiting" from that definition removes that potential problem.
538. As a result, we recommend to the Stream 10 Panel that the definitions of "Relocated Building" and "Relocation" be amended as set out below, and that new definitions of "Removal" and "Re-siting" be included in Chapter 2 in the form set out below.

Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting

Relocation In relation to a building, means the removal of any building from any site to another site.

Removal of a Building means the shifting of a building off a site.

Re-siting of a Building means shifting a building within a site.

12.3. Temporary Activities

539. The notified definition reads:
- Temporary Activities Means the use of land, buildings, vehicles and structures for activities of short duration and are outside the usual use of a site, that include the following:*
- Temporary events

³⁷¹ Kimberley Banks, Section 42A Report, paragraphs 16.1 to 16.7

³⁷² Submissions of Counsel for House Movers, dated 14 September 2016

- Temporary filming
- Temporary activities *related to building and construction*
- Temporary military *training*
- Temporary storage
- Temporary *utilities*
- Temporary *use of a site as an airport for certain community events*
- *A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.*

540. Submissions on this definition sought:

- a. Improve the wording³⁷³;
- b. Include airshows³⁷⁴;
- c. Include “temporary exploration and prospecting”³⁷⁵;
- d. Retain³⁷⁶.

541. Related to this definition, submissions also sought the inclusion of definitions of:

- a. Temporary Military Training Activity³⁷⁷; and
- b. Temporary Storage³⁷⁸.

542. Ms Banks agreed that the wording of the definition of “Temporary Activities” could be improved and recommended modification of the last bullet point and deletion of the final paragraph³⁷⁹. She also considered that the QAC request to include airshows should be provided for in the relevant zone, rather than in this definition³⁸⁰.

543. In response to our questioning at the hearing, Ms Banks undertook a further evaluation of the definition, including examining how the activity has been defined in other districts in New Zealand and Australia³⁸¹. She concluded that the definition should not attempt to define the duration of temporary activities, rather that should be left to the rules. She did, however, conclude that further improvements could be made to the wording.

544. Before turning to Ms Banks’ recommended wording, we need to deal with the submission seeking the inclusion of “temporary exploration and prospecting” in the definition. We heard no evidence regarding this from either Ms Banks, the submitter or the further submitters.

545. New Zealand Tungsten Mining Ltd also sought the inclusion of definitions of “exploration” and “prospecting”. Reviewing those as requested, we do see that those activities are implicitly temporary. We make no recommendation on those requests by the submitter, but are

³⁷³ Submission 243

³⁷⁴ Submission 433

³⁷⁵ Submission 519, supported by FS1015, opposed by FS1356

³⁷⁶ Submission 635

³⁷⁷ Submission 1365

³⁷⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁷⁹ Kimberley Banks, Section 42A Report, paragraph 16.10

³⁸⁰ *ibid*, paragraph 16.11

³⁸¹ Kimberley Banks, Reply Statement, Section 2

satisfied that there is no value in amending the definition of “temporary activities” to refer to them. We recommend to the Stream 10 Panel that submission be refused.

546. The amended definition of “temporary activities” recommended by Ms Banks read:
Temporary Activities Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and outside the regular day-to-day use of a site:
- a. Temporary events
 - b. Temporary filming
 - c. Temporary activities related to building and construction
 - d. Temporary military training
 - e. Temporary storage
 - f. Temporary utilities
 - g. Temporary use of a site as an informal airport
547. In large part we agree with Ms Banks that this wording is clearer as to what falls within the range of temporary activities. Our one concern is the amendment in respect of informal airports. As we read the rules in Section 35.4, the intention for informal airports is that they are allowed as a temporary activity when they are a component of a temporary event (Rule 35.4.5 as amended). Ms Banks’ amendment appears to widen that scope to include any temporary use of a site as an informal airport. We do not consider that change would have been contemplated by someone reading the submissions on this definition, so do not consider there is scope for such a broad amendment. We also doubt that it is a desirable outcome, but have no evidence one way or the other.
548. As a consequence, we agree with Ms Banks’ amendment save for the last bullet point, which we recommend should read:
549. *Temporary use of a site as an informal airport as a part of a temporary event*
550. We agree with Ms Banks that Ms Byrch’s submission³⁸² provides scope for this amendment. We recommend to the Stream 10 Panel that the definition of “temporary activities” be amended in accordance with Ms Banks’ recommendation subject to our revision to the final bullet point. We also recommend the Panel consider whether the use of alphanumeric lists should replace bulleted lists.
551. Associated with this definition is the request for a definition of “Temporary Military Training Activity”³⁸³. Ms Banks³⁸⁴ noted that notified Objective 35.2.3 stated that temporary military training is provided for (and our revised Objective 35.2.3 does not alter that outcome) and that the definition of “Temporary Activities” includes “temporary military training”, but nowhere is that defined. She agreed with the submitter that a new definition be included which read:
Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. The term ‘defence purpose’ is as described in the Defence Act 1990
552. We agree, for the same reasons, that the new definition should be included. However, we consider the wording can be improved by removing repetition and improving grammar. We also note that the Defence Act 1990 does not explicitly describe ‘defence purposes’. Taking

³⁸² Submission 243

³⁸³ Submission 1365

³⁸⁴ Kimberley Banks, Section 42A Report, paragraphs 16.8 and 16.9

account of this, we recommend to the Stream 10 Panel that a new definition of Temporary Military Training Activity be included in the Plan and that it read:

Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

553. The Real Journeys group³⁸⁵ sought that a new definition of “temporary storage” be included in Chapter 2. The submissions did not provide a proposed wording and Ms Black did not provide any explanation in her evidence. We are satisfied that Rule 35.4.12 (revised number) adequately explains what temporary storage is. We recommend to the Stream 10 Panel that these submissions be rejected.

12.4. Temporary Events

554. There were no submissions on this definition, but Ms Banks recommended the addition of an advice note to clarify that the sale of alcohol, and food and beverage hygiene standards and regulations, were not regulated by the PDP³⁸⁶. She recommended the addition of the following note:

Note - The following activities associated with Temporary Events are not regulated by the PDP:

- a. Food and Beverage
- b. Sale of Alcohol

555. We accept that is a helpful clarification and consider it is an amendment that can be made relying on Clause 16(2). We recommend to the Stream 10 Panel that this note be added to the definition of “Temporary Events”.

12.5. Definition of Building

556. In response to our questions at the hearing, Ms Banks undertook a careful consideration of the relationship of shipping containers to the definition of building³⁸⁷. Her final conclusion was that an additional exemption should be included in the definition of “Building” as follows:

- *Shipping containers temporarily located on a site for less than 2 months*

557. We are not in a position to know whether there is scope for such a change and do no more than bring the matter to the attention of the Stream 10 Panel for its consideration.

³⁸⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁸⁶ Kimberley Banks, Reply Statement, paragraph 8.9

³⁸⁷ *ibid*, Section 10

PART D: CHAPTER 36 - NOISE

13. PRELIMINARY

13.1. Stage 2 Variations

558. On 23 November 2016 the Council notified Stage 2 of the PDP and variations. That proposed the inclusion of new rules in this chapter providing noise controls for the Wakatipu Basin Zone and the Open Space and Recreation Zones.

559. We have left space for these rules in locations we consider appropriate for the respective rules. The rules do not form part of our recommendations and we discuss them no further.

13.2. General Submissions

560. Two submissions³⁸⁸ generally supported this Chapter. As we recommend changes to this Chapter, we recommend those submissions be accepted in part.

561. Submission 115 stated that the landscape values of the District can be spoilt by noise from motor boats and lawnmowers. The submitter sought that the Plan institute a quiet day each week. Ms Evans considered that the PDP provisions set appropriate standards for the receipt of noise in a way that managed amenity standards³⁸⁹. We agree with Ms Evans' opinion. We also consider it would be both impractical and inconsistent with the general expectations of the people of the District to impose a noise ban on a weekly basis. We recommend this submission be rejected.

562. Submission 159 was concerned with noise from late night parties and sought increased monitoring. We agree with Ms Evans' analysis that the noise standards provide a basis for monitoring and enforcement³⁹⁰. The PDP cannot do any more than that. We recommend this submission be rejected.

13.3. 36.1 –Purpose

563. There were four submissions in relation to this section. These sought:

- a. the retention of the section unaltered³⁹¹;
- b. the retention of the third paragraph³⁹²;
- c. amendment to exclude application of this chapter to the Town Centre Zone³⁹³; and
- d. amend to apply appropriate and consistent terminology³⁹⁴.

564. Ms Evans agreed with the wording changes sought by the Southern District Health Board³⁹⁵ for the reasons given in the submission³⁹⁶. She did not agree that the Chapter did not relate to the Town Centre Zones, noting that rules in Chapter 36 imposed restrictions on noise generated in that zone and received in residential zones, as well as imposing ventilation requirements in the Queenstown and Wanaka Town Centre zones. As a result, she recommended a series of minor word changes to the purpose statement in her Section 42A

³⁸⁸ Submissions 19 and 21

³⁸⁹ Ruth Evans, Section 42A Report, page 28

³⁹⁰ *ibid*, page 28

³⁹¹ Submission 433, supported by FS1211, opposed by FS1097 and FS1117

³⁹² Submission 1365

³⁹³ Submission 714

³⁹⁴ Submission 649

³⁹⁵ Submission 649

³⁹⁶ Ruth Evans, Section 42A Report, page 11

Report. The only substantive change she recommended in her Reply Statement was to amend the reference to the Civil Aviation Act to refer to the correct section.

565. We agree with Ms Evans (and the Southern District Health Board) that the amendments she has proposed to this section improve clarity and understanding of the purpose of the chapter. We also agree with her that the amendments she has proposed that are outside of the scope of the submissions lodged are minor with no substantive effect, or improve grammar, and therefore can be made under Clause 16(2).
566. The Stream 8 Hearing Panel has recommended to us³⁹⁷ a further amendment to clarify that certain forms of noise (from music, voices and loudspeakers) generated in the Queenstown and Wanaka Town Centres are not managed under this Chapter. We recommend that change be made for the reasons given by the Stream 8 Panel.
567. We recommend the Section 36.1 be adopted as worded in Appendix 3 to this report, and the submissions be accepted in part.

14. 36.2 – OBJECTIVES AND POLICIES

14.1. Objective 36.2.1 and Policies

568. As notified, these read:

Objective *Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.*

36.2.1.1 Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

569. The submissions on these sought:

- a. Retain all as notified³⁹⁸;
- b. Retain the objective³⁹⁹;
- c. Retain Policy 2⁴⁰⁰;
- d. Amend Policy 2 to discourage noise sensitive activities establishing in the vicinity of consented or existing noise generating activities.⁴⁰¹

570. In her Section 42A Report, Ms Evans recommended minor changes to the objective to make it more outcome focussed. Following our questioning at the hearing, she recommended further changes to the objective and Policy 1 in her Reply Statement.

³⁹⁷ Report 11, Section 8.11

³⁹⁸ Submissions 197, 649 (supported by FS1211) and 1365

³⁹⁹ Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029), 719 and 847 (supported by FS1207)

⁴⁰⁰ Submission 719

⁴⁰¹ Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029) and 847 (supported by FS1207)

571. Ms Evans considered the submissions seeking amendments to Policy 2 and concluded that the policy did not need to be altered as it does not distinguish between new or established noise sensitive activities leading to reverse sensitivity effects⁴⁰².
572. The only evidence we heard on these provisions was from Mr MacColl⁴⁰³ who supported Policy 2 as notified and agreed with Ms Evans' conclusions in respect of that policy.
573. We do not think Policy 2 provides any guidance as to how to achieve the objective, but we consider the wording proposed by Submitters 717 and 847 does not particularly assist. Without evidence we are not inclined to amend this policy.
574. We consider the word changes recommended by Ms Evans to the objective and Policy 1 improve their clarity without altering the meaning. We agree that those changes are minor non-substantive amendments that the Council can make under Clause 16(2).
575. We note that Policy 1 fails to provide any guidance as to how to it is to achieve the objective, in the same manner as Policy 2.
576. We recommend that the Council amend the objectives and policies under Clause 16(2) so that they read:
Objective *The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.*
- 36.2.1.1 *Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.*
- 36.2.1.2 *Avoid, remedy or mitigate adverse noise reverse sensitivity effects.*
577. We also recommend that the Council review the two policies with a view to providing clearer guidance as to how the objective is to be achieved. We do not consider that parroting s.5(2)(c) of the Act assists.

15. 36.3 – OTHER PROVISIONS

15.1. 36.3.1 – District Wide

578. There were no submissions on this section. The only changes we recommend to it are to make it consistent with the same section in other chapters. We consider this to be a minor amendment that can be made under Clause 16(2).
579. We recommend the Council amend this section as shown in Appendix 3 as a minor, non-substantive amendment under Clause 16(2).

15.2. 36.3.2 – Clarification

580. As notified this section contained 10 clauses, the first two of which, consistent with other chapters, described when a consent was required and the abbreviations used in the tables. The following eight clauses read:
 36.3.2.3 *Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics -*

⁴⁰² Ruth Evans, Section 42A Report, page 12

⁴⁰³ Anthony MacColl, EiC, page 7

Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.

- 36.3.2.4 *Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.*
- 36.3.2.5 *In addition to the above, the noise from the following activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.*
- 36.3.2.6 *Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.*
- 36.3.2.7 *Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.*
- 36.3.2.8 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport.*
- 36.3.2.9 *Noise standards for Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16.*
- 36.3.2.10 *The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.*

581. Submissions on this section sought the following:

- a. Support the provisions⁴⁰⁴;
- b. Amend 36.3.2.7 so as to exclude the temporary operation of emergency and backup generators from the noise limits⁴⁰⁵;
- c. Include reference to Wanaka Airport in 36.3.2.8⁴⁰⁶;
- d. Include an additional clarification stating that activities in the Rural Zone established at the time of the Review will be administered for noise purposes in accordance with the rules at the time the activity was established or consented⁴⁰⁷.

582. Ms Evans agreed that reference to Wanaka Airport should be included in 36.3.2.8. Ms Evans also noted that the noise of aircraft at that airport, as for Queenstown Airport, is controlled by the designation⁴⁰⁸. We agree with that conclusion.

⁴⁰⁴ Submissions 649 (supported by FS1211) and 1365

⁴⁰⁵ Submission 635

⁴⁰⁶ Submission 433, opposed by FS1097 and FS1117

⁴⁰⁷ Submissions 717 (supported by FS1270, opposed by FS1029) and 847 (supported by FS1270).

⁴⁰⁸ Ruth Evans, Section 42A Report, page 13

583. Ms Evans considered that the additional clarification sought (item (d)) was unnecessary as provision was made in the Act to protect lawfully established existing uses⁴⁰⁹. We agree with her assessment. We heard no evidence from the submitters so our understanding of their reasoning is that contained in the submission. That reasoning is clearly focussed on restating existing use provisions from the Act in the PDP. We cannot understand why, if such provisions were to be included, they should be limited to the Rural Zone. We recommend those submissions be rejected.
584. The submission by Aurora concerning the temporary operation of emergency and backup generators included a proposal to include such operations in Table 1 as a permitted activity. It is appropriate to consider both parts of the submission together.
585. Dr Chiles assessed this submission⁴¹⁰. It was his opinion that, in terms of emergency generators, people are prepared to tolerate the noise of them because it is an emergency, and by definition, temporary. He also noted that where emergency generators are fixed installations they need to be tested regularly. He recommended that emergency generators be provided for as a permitted activity in Table 1, along with an allowance for testing. He considered that amendment to 36.3.2.7 was unnecessary as 36.3.2.5 already identified that the activities in Table 1 were exempt from compliance with Table 2 standards. Ms Evans adopted Dr Chiles evidence and recommended changes to Table 1 consistent with his opinion.
586. Ms Dowd, appearing for Aurora, supported this proposed rule⁴¹¹.
587. In response to our questioning, Ms Evans further refined the rule in Table 1 in her Reply Statement so as to clarify the circumstances when it applied to backup generation⁴¹².
588. We accept the advice of Dr Chiles for the reasons he set out and recommend that a new permitted activity be included in Table 1, modified as proposed by Ms Evans in her Reply Statement subject to replacing “grid” with “network” so that the wording is consistent with that used in Chapter 30. We agree that it is unnecessary to make provision in 36.3.2.7 for an activity that listed in Table 1.
589. Ms Evans recommended some minor changes to 36.3.2.9 to properly identify the zones it applied to, and to note that activities in those zones were still required to meet the noise standards for noise received in other zones. The Stream 8 Panel has further recommended that this provision be amended to make it clear that noise from music, voices and loud speakers in the Wanaka and Queenstown Town Centre Zones (excluding the Queenstown town Centre Transition Sub-Zone) need not meet the noise standards set in this chapter.⁴¹³
590. Ms Evans also recommended minor changes to 36.3.2.1 to clarify the meaning and remove unnecessary words.
591. We agree that those amendments are helpful in providing clarity to the meaning of the relevant provision. We consider them to be minor changes that can be made under Clause 16(2). We recommend the amendments recommended by the Stream 8 Panel be adopted for the reasons that Panel has given.

⁴⁰⁹ *ibid*, page 12

⁴¹⁰ Dr Stephen Chiles, EIC, pages 9-10

⁴¹¹ Joanne Dowd, EIC, page 6

⁴¹² Ruth Evans, Reply Statement, paragraph 2.4

⁴¹³ Report 11, Section 8.11

592. We also recommend moving 36.3.2.2 to the end of the list so it more clearly relates to the tables that follow. As a consequence it becomes renumbered as 36.3.2.10 and clauses 3 to 10 are consequentially renumbered.
593. The Stream 13 Hearing Panel has recommended an amendment to notified 36.3.2.6 under Clause 16(2) to clarify the relationship of Rules 36.5.13 and 36.5.14 and the rules in the relevant zone chapters. We adopt their recommendation and include the amendment to recommended Rule 36.3.2.5 in Appendix 3.
594. For those reasons we recommend that Section 36.3.2 be titled “Rules – Explanation” and that clauses 1, 8 (renumbered as 7) and 9 (renumbered as 8) be amended to read as follows:
- 36.3.2.1 *Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance, but breaches a standard, requires resource consent as a Non-complying activity.*
- 36.3.2.7 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.*
- 36.3.2.8 *Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.*
595. We also recommend, as discussed above, that a new permitted activity be inserted in Rule 36.4 Table 1 to read as follows:
- Sound from emergency and backup generators:*
- a. *Operating for emergency purposes; or*
 - b. *Operating for testing and maintenance for less than 60 minutes each month during a*
 - c. *weekday between 0900 and 1700.*

For the purpose of this rule, backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).

16. 36.4 – RULES – ACTIVITIES

16.1. Table 1

596. As notified, this rule listed the following as permitted activities (exempt from the standards in Table 2):
- 36.4.1 *Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).*
- 36.4.2 *Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.*

36.4.3 *Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.*

36.4.4 *Sound from temporary military training activities.*

36.4.5 *In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.*

36.4.6 *Sound from aircraft movements within designated airports.*

36.4.7 *Sound from telecommunications cabinets in road reserve.*

597. Apart from the Aurora submission dealt with in the previous section, the submissions on this rule sought:

- a. Retain the rules⁴¹⁴;
- b. Retain Rule 36.4.3⁴¹⁵;
- c. Retain Rule 36.4.4⁴¹⁶;
- d. Delete Rule 36.4.6⁴¹⁷;
- e. Add new rule exempting noise from vessels⁴¹⁸.

598. Ms Evans agreed that Rule 36.4.6 could be deleted as such aircraft noise was covered by the designations, and deleting it was consistent with the amended 36.3.2.7 above⁴¹⁹. We agree with that analysis and recommend the submission be accepted and Rule 36.4.6 be deleted.

599. Dr Chiles provided detailed evidence on the noise effects of motorised craft⁴²⁰. We heard no contrary expert noise evidence on this issue. It was Dr Chiles' opinion that sound from motorised craft has the potential to cause significant adverse noise effects in terms of degradation of amenity and disturbance. Consequently, he did not consider it appropriate to provide a blanket permitted activity status for noise from motorised craft.

600. We accept Dr Chiles assessment and recommend the submissions seeking the inclusion of this rule be rejected.

601. In summary, therefore, we recommend that Rule 36.4.6 be deleted, Rule 36.4.7 be renumbered 36.4.6, and, as we recommended above, a new Rule 36.4.7 be inserted for emergency and backup electrical generators. For clarity purposes, we recommend the Table be titled "Permitted Activities". The revised Table 1 is set out in Appendix 3.

17. 36.5 – RULES – STANDARDS

17.1. Table 2 : General Standards

602. As notified, this table set out the noise standards that applied to all activities, other than those specifically exempted, when measured in the receiving environment. Non-compliance with the set standards were non-complying, except in two cases as discussed below.

⁴¹⁴ Submissions 649 (supported by FS1211) and 719

⁴¹⁵ Submissions 438 and 708

⁴¹⁶ Submission 1365

⁴¹⁷ Submission 433, opposed by FS1097 and FS1117

⁴¹⁸ Submissions 607 (supported by FS1097) and 621

⁴¹⁹ Ruth Evans, Section 42A Report, page 14

⁴²⁰ Dr Stephen Chiles, EiC, section 7

603. Ms Evans identified an error in the labelling of the table as notified⁴²¹. The second column heading as notified was “Activity or sound source”. Ms Evans advised that it should have been headed “Zones sound is received in” and she recommended it be so amended as a minor Clause 16(2) amendment. As the various standards do not make sense if the notified heading is applied, we agree with Ms Evans that it should be corrected. We do not consider such a change to be anything other than minor as any person reading the standards would immediately see that the column did not list activities or sound sources (except for Rule 36.5.2 which we discuss below). We recommend this change be made as a correction under Clause 16(2).
604. As noted, Rule 36.5.2 applied different standards in the residential zones and the Rural Zone for sound generated in the Queenstown Airport Mixed Use Zone. Rule 36.5.2 had the effect of allowing more noise to be generated within the Queenstown Airport Mixed Use Zone than could be generated by any other activity, where the noise was received in a residential zone or the Rural Zone. Non-compliance with this more generous standard required consent as a restricted discretionary activity.
605. The second situation where non-compliance was not specified as “Non-complying” was Rule 36.5.5, which set no limit for noise received in the Queenstown Airport Mixed Use Zone. Although the non-compliance column stated “permitted”, logically it was not possible to not comply with that standard.
606. The other matter in respect of this table we need to point out at the outset is that it included standards for a large number of zones which were not in Stage 1 of the Review, but are, rather, zones in the ODP. We note in this respect that a submission by Real Journeys Limited seeking to change the standard applying to the Rural Visitor Zone was identified by the reporting officer as being “out of scope”⁴²². We also note that by resolution of the Council the geographic areas of several of these have been withdrawn from the PDP⁴²³. As of the date of that resolution those zones (or parts of zones) have been removed from this rule.
607. We also note that, as notified, Rule 27.3.3.1 explicitly stated that the zones listed were not part of the PDP: Stage 1, and Rule 27.3.3.2 explicitly stated that all the Special Zones in Chapter 12 of the ODP other than Jacks Point, Waterfall Park and Millbrook, were excluded from the PDP subdivision chapter.
608. Ms Scott addressed this matter in her Reply Submissions. It was her submission that the provisions of Chapter 36 were, at notification, intended to apply district-wide, even to zones not included in Stage 1. She submitted that we could take a “flexible and pragmatic approach as to whether submissions are “on” Stage 2 matters, when they relate to types of activities addressed through one of the district-wide chapters”⁴²⁴.
609. We have previously advised the Council that we have serious concerns with the approach it has taken regarding the suggestion that provisions in the PDP:Stage 1 apply to land which does

⁴²¹ Ruth Evans, Section 42A Report, Paragraph 8.24

⁴²² Ruth Evans, Section 42A Report, Appendix 2, page 7

⁴²³ Resolution of the Council dated 25 May 2017 to withdraw the geographic areas of the following ODP zones from the PDP: Frankton Flats B, Remarkables Park, Shotover Country Estate, Northlake Special, Ballantyne Road Industrial and Residential (Change 46), Queenstown Town Centre extension (Change 50), Peninsula Bay North (Change 51), Mount Cardrona Station

⁴²⁴ Council Reply Submissions, paragraph 2.4

not have a Stage 1 zoning⁴²⁵. In this chapter, what have been listed in the rules are, in addition to the Stage 1 zones, ODP zones. Ms Scott submitted that it would be appropriate for us to direct that those provisions be transferred to Stage 2⁴²⁶.

610. There is no information before us to suggest that any of these zones (in the terms used in these rules) will become part of the PDP. While the geographic areas those ODP zones apply to may become part of the PDP in due course, it is not axiomatic that those areas will have the same ODP zones applied.
611. We also note that the only submission⁴²⁷ on these rules referring to the zones listed in Ms Scott's submissions sought the deletion of "Industrial Zones" on the basis that those zones were not in Stage 1 and should not, therefore, be included in the rule at this stage. This raises the question for us as to whether the public understood that the Council was expecting the submission period in 2015 to be the one time a submission could be lodged in respect of noise received in any of these zones. We also have a concern that, if we were simply to direct that they be transferred to Stage 2, that would not automatically confer any submission rights in respect of these rules at Stage 2. Such submission rights will only be conferred if the Stage 2 process involves a change to the PDP to include such areas or zones.
612. We note at this point that the Stream 13 Hearing Panel is recommending the inclusion of the Coneburn Industrial Zone in the PDP. No noise limits were proposed within this zone, but the policies proposed included:

*To minimise the adverse effects of noise, glare, dust and pollution.*⁴²⁸

613. It may be that the submitter assumed that the provisions in Chapter 36 would apply, both within and outside the zone. On the face of it, the inclusion of the Coneburn Industrial Zone within the PDP would support the retention of notified Rule 36.5.7 as it applies to Industrial Zones. However, when the rule is examined, it only sets limits within Activity Areas 2, 2a, 3, 4, 5, 6, 7 and 8. It is unclear what this specification relates to, but it is clear that the rule as notified would not apply in the Coneburn Industrial Zone even if Rule 36.5.7 remained in the District Plan.. We do note that activities in the Coneburn Industrial Zone, while not needing to meet noise limits within the zone, would still need to meet the standards for noise received in the adjoining Rural Zone, or the nearby Jacks Point Zone.
614. Given the above, including the position the Council took in the reply, we have come to the conclusion that listing of the following zones in Rule 36.5 is an error:
- a. Township Zones;
 - b. Rural Visitor Zones;
 - c. Quail Rise Special Zone;
 - d. Meadow Park Special Zone;
 - e. Ballantyne Road Special Zone;
 - f. Penrith Park Special Zone;
 - g. Bendemeer Special Zone;
 - h. Kingston Village Special Zone;
 - i. Industrial Zones.

⁴²⁵ Minute Concerning Annotations on Maps, dated 12 June 2017

⁴²⁶ Council Reply Submissions, paragraph 4.1

⁴²⁷ Submission 746

⁴²⁸ Proposed Policy 18.2.1.5 in Revised Chapter 18 provided with Joint Witness Statement on 15 September 2017

615. Consequently, we recommend all references to those zones be deleted from Rule 36.5 to correct this error. In terms of item (i) Industrial Zones, we recommend accepting Submission 746. The remainder we consider can be deleted as errors requiring correction with no substantive effect under Clause 16(2). We also consider that without deleting these references, the Council may inadvertently deprive persons with land in geographic area covered by those zones the opportunity to submit on the noise rules which would affect them when those geographic areas are brought into the PDP.
616. We consider the proper course for the Council to follow in the future is, when a variation or plan change is initiated to include an additional geographic area in the PDP, where applicable, references to the zones applied can be included in these rules as appropriate. Obviously, if that land has a PDP zone applied, such a change would not be necessary.
617. Two submissions generally supported the entire rule⁴²⁹. We recommend those submissions be accepted in part.
618. There were no submissions on Rule 36.5.1 which sets the standards for noise received in the Rural and Gibbston Character Zones. We recommend this rule be adopted as notified.
619. There were no submissions on Rule 36.5.4, other than that by Real Journeys Limited⁴³⁰ which the Council identified as being out of scope. With our recommended amendments to this rule to correct the error of including references to ODP zones, the area that submission related to is no longer affected by the rule. We recommend that Rule 36.5.4 be adopted in the revised form shown in Appendix 3. We note that recommendations we make below will further amend this rule.
620. Following the Council's withdrawal of the geographic areas covered by the Shotover Country Special Zone and Mount Cardrona Special Zone, Rule 36.5.6 only applied to the Ballantyne Road Special Zone. Our recommendation that the error of including that zone in this rule be corrected by its deletion, would have the effect of deleting this rule, but Ms Evans has recommended the inclusion of other provisions within it. We will deal with that matter below.
- 17.2. **Rule 36.5.2**
621. Rule 36.5.2, which as we explained above, allowed a higher level of noise to emanate from the Queenstown Airport than from other activities, was subject to one submission⁴³¹ which sought that this rule be deleted and replaced with notified Rule 17.5.6. We note that the only substantive difference between those rules was that the night-time L_{max} was 5dB lower under Rule 17.5.6.
622. We were concerned these two rules were inconsistent with the general approach to managing noise in the District and there appeared to be no policy support for such a difference. Dr Chiles considered these limits to be inconsistent also, and it was his opinion that the inconsistencies undermine the level of amenity provided in surrounding locations by district wide noise limits⁴³².

⁴²⁹ Submissions 52 and 649

⁴³⁰ Submission 621

⁴³¹ Submission 433, opposed by FS1097 and FS1117

⁴³² Dr Stephen Chiles, EIC, paragraph 8.3

623. Mr Day did not address this inconsistency in his evidence. When questioned by the Panel, he answered that the residential areas around the airport are generally exposed to higher noise levels anyway.
624. Ms Evans, in her Reply Statement, noted that the noise limits were the same as in the ODP in respect of the Residential Zones, but have been extended to the Rural Zone also in the PDP. She recommended moving the standard to Table 3, which relates to specific noise sources, with a minor alteration to the wording to clarify the activities affected by the rule.
625. We agree with Dr Chiles that a separate and less onerous noise standard for Queenstown Airport is both inconsistent with the standards generally applied and undermines the amenity values the PDP is generally protecting in close-by residential areas. We also can find no basis for this differentiation in the objectives and policies of the PDP. However, with no submissions seeking the complete deletion of the standard, we cannot recommend its deletion. If there were a submission that sought such relief we would have recommended that submission be accepted. As it is, we largely agree with Ms Evans' proposed rule subject to two changes:
- a. clarification that it does not apply to sound from aircraft operations that are subject to Designation 2; and
 - b. Changing the night-time $L_{A_{\text{max}}}$ to 70dB as it was notified in Rule 17.5.6.
626. For the reasons set out, we recommend to the Stream 8 Hearing Panel that Rule 17.5.6 (as notified) be deleted, and recommend to the Council that Rule 36.5.2 be moved to become Rule 36.5.15 with the wording as set out in Appendix 3. We add that we cannot confirm that this rule meets the statutory tests of s.32AA.

17.3. Rule 36.5.3

627. This rule applies standards for noise received in the residential parts of the Jacks Point and Millbrook Resort Zones. We note that the former zone was incorrectly named in the rule, being termed a resort zone. We recommend that the zone name be changed by deleting "Resort" from "Jacks Point Resort Zone" so it has the zone name applied in the PDP. We consider this to be a minor correction under Clause 16(2).
628. Two submissions were received seeking:
- a. Include the Village Activity Area in the assessment locations⁴³³; and
 - b. Exclude the Village and EIC Activity Areas from column 2, and create a new rule making it a restricted discretionary activity for sounds from the Village and EIC Activity Areas to exceed the limits⁴³⁴.
629. We note that since hearing Stream 5, submitters on the Jacks Point Zone have sought the removal of the EIC Activity Area from that zone, and the Hearing Stream 9 Panel is recommending that change be accepted. Thus, we will not address that Activity Area further.
630. Ms Evans attempted to reconcile these two seemingly opposing submissions⁴³⁵. Dr Chiles was concerned that imposing the residential noise standards on the Village Activity Area would hinder the development of activities such as cafes with patrons sitting outside⁴³⁶. Ms Evans recommendation was to move both the Millbrook and Jacks Point provisions from Rule 36.5.3 to 36.5.4 on the basis that the standards would be the same for residential areas, and to

⁴³³ Submission 632, opposed by FS1219, FS1252, FS1275, FS1277, FS1283, FS1316

⁴³⁴ Submission 762, opposed by FS1316

⁴³⁵ Ruth Evans, Section 42A Report, paragraphs 8.28 to 8.31 inclusive

⁴³⁶ Dr Stephen Chiles, EIC, Section 9

include the Jacks Point Zone Village Activity Area in Rule 36.5.6 which provides for higher levels of received noise.

631. Mr Ferguson supported these changes but raised two matters:
- a. Clarification of how the noise standards are applied between the stipulated assessment locations and the zone or activity areas within it is received; and
 - b. The status of any breach of the noise standards⁴³⁷.
632. Mr Ferguson's first point was that the heading to Column 2 (as amended) referred to receiving zones, whereas in Jacks Point Zone at least, it was only within part of the zone that it applied. We consider this can be dealt with by amending the additional words after each zone to say "Residential (or Village) Activity Areas only" to make it clear it is only part of the zone within which the relevant rule controls the receipt of noise.
633. We have considered Mr Ferguson's opinion that non-compliance with the rules applicable to the Village Activity Area should require consent as a restricted discretionary activity. In our view the point of noise standards is to establish a bottom line for amenity values which should not be breached. The standards themselves, and the forms of measurement, provide for the rare or momentary exceedance of any fixed level. If an activity is proposing to create a level of noise that will always or regularly exceed the standard, then we consider it appropriate for the Council, on a resource consent application, to be able to firstly consider whether that activity meets the thresholds of s.104D, and if so, to undertake a full evaluation of the proposal under s.104. We agree with Ms Evans' evaluation of this matter in her Reply Statement.
634. In summary, we recommend that Rule 36.5.3 be deleted and the following be inserted in Column 2 of Rule 36.5.4 (consequently renumbered 36.5.2):
- Millbrook Resort Zone – Residential Activity Areas only*
Jacks Point Zone – Residential Activity Areas only
635. We additionally recommend that the following be inserted in Column 2 of Rule 36.5.6 (now renumbered 36.5.4):
- Jacks Point Zone – Village Activity Area only*
- 17.4. **Rule 36.5.5**
636. The only submission on this rule sought its retention⁴³⁸. As noted above, and agreed by Ms Evans⁴³⁹, there is no possibility of not complying with this rule, so the appropriate thing is to leave the Non-compliance Status Column blank. With that change, we recommend the rule be adopted.
- 17.5. **Table 3**
637. This table sets standards for noise from specified activities, including identifying any applicable special considerations. One submitter⁴⁴⁰ supported all of the rules in this table subject to amendments to Rule 36.5.11 which we deal with below. There were no other submissions on Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.17.
638. The only other submission⁴⁴¹ on Rule 36.5.15 sought that it be retained.

⁴³⁷ Christopher Ferguson, EiC, page 5

⁴³⁸ Submission 433, opposed by FS1097, FS1117

⁴³⁹ Ruth Evans, Reply Statement, Appendix 1

⁴⁴⁰ Submission 649

⁴⁴¹ Submission 580

639. Ms Evans recommended that Rule 36.5.17 be transferred to Chapter 41 as a rule applying to Jacks Point Zone. We agree with that recommendation and refer that rule to the Stream 9 Hearing Panel.

640. Subject to renumbering and altering the reference in Rule 36.5.8 to the NESTF 2016, we recommend that Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.15 be adopted as notified.

17.6. Rule 36.5.11

641. This rule controls noise from frost fans. The sole submission⁴⁴² sought that the L_{AFmax} limit failed to account for increased annoyance where there are special audible characteristics present. It sought that the limit be changed to 55 dB $L_{Aeq(15 min)}$.

642. Dr Chiles⁴⁴³ agreed that the 85 dB L_{AFmax} would not adequately control noise effects. He considered that proposed in the submission to be adequate, although significantly more lenient than the general night-time noise limit of 40 dB $L_{Aeq(15 min)}$. Ms Evans accepted Dr Chiles advice and recommended amending this rule as requested.

643. On the basis of that evidence we recommend that Rule 36.5.11 (renumbered as 36.5.8) be amended to set a noise limit of 55 dB $L_{Aeq(15 min)}$.

17.7. Rule 36.5.13

644. This rule set the standard for noise from helicopters. Three submitters⁴⁴⁴ supported this rule. Other submissions sought:

- a. Delete the rule⁴⁴⁵;
- b. Measure L_{max} rather than L_{dn} ⁴⁴⁶;
- c. Delete the L_{dn} measurement⁴⁴⁷;
- d. Make non-compliance a discretionary activity⁴⁴⁸.

645. In addition, one submission sought the introduction of a separate rule for helicopters landing near the top of Skyline Access Road⁴⁴⁹.

646. It was Dr Chiles' evidence⁴⁵⁰ that the adverse effects of helicopters are related to both the sound level of individual helicopter movements, and also the frequency of movements. He noted that while there were some limitations with the use of an L_{dn} noise limit, it would control both factors. On the other hand, while a L_{AFmax} noise level would control the sound level, it would not control the number of movements. He also noted that there can be difficulty in obtaining reliable assessments of helicopter noise using the L_{AFmax} limit.

647. Dr Chiles also explained why he considered the L_{dn} control for helicopter noise in this rule, coupled with the additional controls on movement numbers in the Rural Zone, sets an appropriate noise limit to manage adverse noise effects. While he agreed that there was

442 Submission 649

443 EIC, Section 12

444 Submissions 143 (opposed by FS1093), 433 (opposed by FS1097, FS1117) and 571

445 Submission 475, opposed by FS1245

446 Submissions 607, 626, 660, 713

447 Submission 243, opposed by FS1224, FS1245

448 Submission 607

449 Submission 574, opposed by FS1063

450 EIC, Section 13

justification for applying the noise limits recommended for commercial areas by NZS6807 to commercial areas in the PDP, as sought in Submission 574, he considered that limit not to be appropriate in the area specified in that submission. He advised us that a recent Environment Court decision⁴⁵¹ found that the commercial area noise limit from NZ6807 was not appropriate in that location. He advised that in considering that application, the Court found that a helicopter noise limit of 60 dB L_{dn} in conjunction with a limit of four helicopter flights a day to be appropriate. He was unaware of justification to insert specific and different noise limits for this location into the PDP.

648. Mr Dent appeared in support of Submission 574. It was his opinion that NZ6807 was the appropriate standard for measuring helicopter noise. He explained that the ODP rules effectively have no applicable noise rules for helicopters. Turning to the specific issue of the Skyline helicopter pad, he considered there was value in making provision for a helicopter pad to locate in the vicinity of Bobs Peak with a noise limit of 60 dB L_{dn} (less than the 65 dB L_{dn} sought in the submission).
649. In response to this evidence, Ms Evans proffered the opinion that if the Council were to include specific controls for a specific consented activity, the PDP would be littered with such special provisions. She also advised that the Environment Court only granted consent for 5 years, to enable review, whereas if it became a rule in the PDP then it would not be subject to review until the PDP were reviewed, and would, potentially, be there for the life of the activity⁴⁵².
650. There are three issues for us to deal with in regard to this rule:
- a. Whether helicopter noise limits be set using NZS6807 or in the same manner as other noise is generally controlled in the District;
 - b. The activity status of a resource consent for non-compliance; and
 - c. Whether special provision should be made for helicopter landing at Skyline.
651. All the expert evidence we heard advised us that NZS6807 is the appropriate standard to use of the assessment and control of helicopter noise. As that standard is specifically designed to deal with helicopter noise, that is unsurprising. Mr Dent assisted us by setting out a number of local consent hearings where the hearing commissioners had agreed with expert noise evidence that concluded the ODP noise rules were ineffective, or unable to control, helicopter noise. We accept all that evidence and conclude that Rule 36.5.13 as notified is fundamentally sound. We also agree with Ms Evans' recommendation that the Advice Note should specify Queenstown and Wanaka Airports.
652. Our views on the non-compliance status of any breach of this rule is consistent with those we gave above in respect of Rule 36.5.3 above. As it was, we heard no evidence on this from the submitter.
653. The Stream 10 Hearing Panel has recommended that the final clause in the notified definition of noise in Chapter be inserted in this rule. We agree that is a more appropriate location and is a non-substantive change under Clause 16(2).
654. For those reasons we recommend that Rule 36.5.13 (renumbered 36.5.10) be adopted as notified, with the addition of the phrase from Chapter 2 and a minor amendment to the advice note.

⁴⁵¹ ZJV (NZ) Limited v Queenstown Lakes District Council & Skyline Enterprises Limited [2015] NZEnvC 205

⁴⁵² Ruth Evans, Reply Statement, Section 9

655. We also note that, in addition to this rule, other rules in the Rural Zone relating to informal airports restrict the frequency of flights and impose setback requirements in certain situations. The combination of those rules should go some way to address the concerns of those submitters who sought the deletion or modification of this rule.

656. Turning to the Skyline issue, we agree with Ms Evans that turning a resource consent into district plan rules, when that consent is subject to a time limitation because of the potential adverse effects, is fraught with issues. We consider it would be poor resource management practice to create such a rule as it would restrict the Council's ability to adjust the terms of the activity if monitoring disclosed adverse environmental effects beyond those foreseen. In our view, if Skyline wishes to choose a better site for helicopter landing, and it requires a resource consent, then they should follow that process. We recommend that submission be rejected.

17.8. Rule 36.5.14

657. This rule sets noise limits for fixed wing aircraft using NZS6805 as the means of measuring and assessing aircraft noise. One submission⁴⁵³ sought the retention of this rule, while two submissions⁴⁵⁴ sought its replacement with an L_{max} limit and changing the non-compliance status to discretionary.

658. Again this issue is whether a standard specifically designed to measure and assess aircraft noise (NZS6805) should be used as the basis for setting the limits in this rule, or the general provisions used elsewhere in the District. We heard no evidence in support of the submissions seeking to amend this rule and see no reason to for there to be a different approach to setting noise limits for fixed wing aircraft from that used for setting noise limits for helicopters.

659. We recommend that Rule 36.5.14 (renumbered 36.5.11) be adopted as notified, and the advice note be amended to specify Queenstown and Wanaka Airports.

17.9. Rule 36.5.16 and Rule 36.8

660. Rule 36.5.16 set a noise limit of 77 dB L_{ASmax} for commercial motorised craft operating on the surface of lakes and rivers. Rule 36.8 set out the methods of measurement and assessment of such noise.

661. One submission⁴⁵⁵ sought the retention of Rule 36.8. Other submissions sought:

- Lower the limit in Rule 36.5.16 and include live commentary on vessel as well⁴⁵⁶;
- Exempt low or moderate speed passenger service vessels from 36.8⁴⁵⁷;
- Set the limit for jet boats competing in jet boat race events at 92 dB L_{ASmax} ⁴⁵⁸.

662. We note in respect of item (b) above, the same submitter sought that such vessels be permitted activities in Table 1. We have deal with that matter above and recommended rejecting that submission.

663. Dr Chiles discussed the issues that have arisen with administering the noise rules relating to motorised craft under the ODP. He recommended that deletion of the testing methodology

⁴⁵³ Submission 433, supported by FS1345 and opposed by FS1097, FS1117

⁴⁵⁴ Submissions 607 and 621

⁴⁵⁵ Submission 649

⁴⁵⁶ Submission 243, opposed by FS1224, FS1245

⁴⁵⁷ Submission 621

⁴⁵⁸ Submission 758

in Rule 36.8 would partly address concerns raised in Submission 621. Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8 which would include deletion of the testing methods.

664. Dr Chiles advised us that the level of 77 dB L_{ASmax} had operated successfully under the ODP. He considered that if it were reduced, it would restrict the ability of many vessels to operate on the surface of lakes and rivers in the District. He also considered it was not practicable to assess the sound of on-board commentary using the methods for assessing motorised craft. He considered the general noise standards (Rule 36.5.1 for instance) should apply to such noise.
665. It was Dr Chiles' opinion that the noise from jet boat racing should be assessed on a case by case basis via the resource consent process.
666. As alluded to above, Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8. In doing this she incorporated Rule 36.8.1.2 into Rule 36.5.16. As notified, there was a potential conflict between these two rules, and, at minimum, an ambiguity. Rule 36.5.16 set a single noise limit, and in the "Time" Column stated "Refer 36.8". Rule 36.8.1.2 stated:
The measured sound pressure level shall not exceed a maximum A weighted level:
- 77 dB L_{ASmax} for vessels to be operated between the hours of 0800 and 2000;
 - 67 dB L_{ASmax} for vessels to be operated between the hours of 2000 and 0800.
667. In consolidating the rules, Ms Evans pulled the night-time level into Rule 36.5.16. We need to consider whether a plan user would have expected the night-time limits to apply given the notified version of Rule 36.5.16. As Ms Black's evidence, on behalf of Real Journeys Ltd, was concerned in part with the ability of her company's vessels to operate between 0700 and 0800, and 2000 and 2100, in accordance with the lower levels, we can be satisfied that submitters understood those lower limits to apply.
668. While Ms Black's evidence was mainly focussed on the permitted activity status sought, as discussed in an earlier section above, she did explain the nature of Real Journeys' vessel operations. We understood Dr Chiles' evidence to be that the PDP noise rules for vessels represented no change from those in the ODP for commercial vessels. There was nothing in Ms Black's evidence to suggest that meeting the ODP noise limits had been an issue for her company. For those reasons, we see no justification in altering the limits in Rule 36.5.16.
669. Mr McKenzie presented a statement on behalf of Jet Boating New Zealand Inc in respect of the request for a separate noise limit for jet boats taking part in jet boat race events. He attached to his evidence a noise report from 2005 for applications for a number of international jet boat races.
670. The fundamental difficulty this submitter has is that Rules 36.5.16 and 36.8 only relate to commercial vessels. We do not understand jet boats involved in jet boat races to fall into that category. In the absence of any other noise rules controlling vessels, non-commercial boating fall to be considered under the provisions of Table 2. Dr Chiles expressed the opinion that the same noise limits should apply to all motorised craft⁴⁵⁹. We agree and recommend that the Council initiate a variation to apply the noise limits in Rule 36.5.16 to all motorised craft. Jet Boating New Zealand Inc would have the opportunity to lodge a submission on such a variation if it considered it did not adequately provide for its members' activities.

⁴⁵⁹ Dr Stephen Chiles, EIC, paragraph 7.1

671. In summary, for the reasons set out above, we agree with the revised version of Rule 36.5.16 (renumbered 36.5.14) recommended by Ms Evans and recommend the Council adopt that version of the rule as set out in Appendix 3, and we recommend the deletion of Rule 36.8.

17.10. Rule 36.6

672. This rule contained provisions designed to protect nearby residents from the effects of airport noise. Rule 36.6.1 related specifically to a zone which was not part of PDP: Stage 1 – the Rural Visitor Zone. Rule 36.6.2 (Table 4) set the acceptable construction methods to meet the sound insulation requirements within the Air Noise Boundary of the Queenstown Airport. Rule 36.6.3 (Table 5) set out the ventilation requirements within the Outer Control Boundary and Air Noise Boundary of Queenstown and Wanaka Airports.

673. One submission supported the rules in full⁴⁶⁰, one supported Table 4 with a minor correction and replacement of Table 5⁴⁶¹, one sought amendments to address modern building solutions⁴⁶², and another sought that provision be made for requiring air conditioning⁴⁶³. Another submission⁴⁶⁴ was listed as being relevant to this rule, but on reading the submission we concluded it only related to the provision for informal airports in the rural chapters. We have taken no account of that submission and leave it to the Stream 2 Hearing Panel to deal with.

674. We consider Rule 36.6.1 creates the same issues as those we discussed above in relation to ODP zone names being listed in Rules 36.5.4, 36.5.6 and 36.5.7. In our view, for the purposes of the PDP, the Rural Visitor Zone does not exist. Thus, this rule is of no practical effect. We also note that this rule has not been mentioned in the Section 32 Report for Noise. In fact, that report does not mention the Rural Visitor Zone at all. We can only conclude that the inclusion of this rule is a mistake that should be corrected. For those reasons, we recommend Rule 36.6.1 be deleted as an error under Clause 16(2).

675. Dr Chiles provided useful evidence on the construction and ventilation requirements⁴⁶⁵. It was his advice that the glazing requirement in Table 4 be changed to double glazing with 4mm thick panes separated by a cavity at least 12mm wide. He also confirmed that ceiling plasterboard should be 9 mm, as sought in Submission 433.

676. In terms of ventilation, Dr Chiles advised that he had sought advice (for another client) on how ventilation rules could meet the aim of providing sufficient thermal comfort for occupants, so they have a free choice to leave windows closed if required to reduce adverse external sound. Based on that review, he recommended a specification that would replace Rule 36.6.3 (and also 36.7 which we deal with below). In his opinion, such a specification would give effect to Submission 80, but would only adopt the specification put forward in Submission 433 in part. Ms Evans redrafted Rule 36.6.3 based on Dr Chiles advice.

677. The only submitter heard from in respect of this rule was QAC. By the time of the hearing the only matters at issue related to Rule 36.6.3 – Table 5. These issues can be further narrowed to be, in essence:

- a. The appropriate standard for low rate ventilation;

⁴⁶⁰ Submission 649

⁴⁶¹ Submission 433, opposed by FS1097, FS1117

⁴⁶² Submission 383, opposed by FS1340

⁴⁶³ Submission 80, opposed by FS1077

⁴⁶⁴ Submission 310, opposed by FS1245

⁴⁶⁵ Dr Stephen Chiles, EIC, Section 14

- b. How many air changes per hour occurred at high setting on the ventilation system;
 - c. The need for passive relief venting; and
 - d. The measuring point for assessing the noise level of the ventilation system.
678. Mr Roberts provided expert ventilation evidence. He described the difficulties faced in implementing the ventilation system required by the notified rules. He also identified that some of the requirements, particularly that requiring 15 air changes per hour, were unnecessary in the Queenstown climate. His recommendation was that Table 5 should be amended so as to:
- a. *Reduce the high setting air changes so that there is no difference between Bedrooms and other Critical Listening Environments, for the purposes of rationalising the type, physical size and quantity of separate ventilation systems required to comply, and that those ventilation systems can readily achieve the difference between high and low setting air flow rates;*
 - b. *Provide the ability to use more modern and efficient plant, including heat pump air conditioning units; and*
 - c. *Simplify the system design in order that it can be readily designed to comply by local contractors.*⁴⁶⁶
679. In respect of the differences between the Council provisions and QAC provisions, he noted:
- a. The ventilation rates should not be linked to provisions of the NZ Building Code as those provisions are designed for different purposes;
 - b. While 6 air changes per hour proposed by the Council is very similar to the 5 air changes per hour he recommended, the extra change per hour would require an additional fan or complex air flow control system, with costs disproportionate to benefit;
 - c. High air change setting and cooling via heat pump cooling system could be provided as alternates;
 - d. The omission of a heating requirement from the Council proposal is possibly an error;
 - e. To ensure that combustion appliances can operate safely under the high air change requirement, additional passive relief venting is required;
 - f. There should be no need to duplicate heating, ventilation or cooling systems where they are already present and satisfy the requirements of the rule⁴⁶⁷.
680. Ms O’Sullivan attached a draft rule that, in her opinion, achieved the matters raised by Mr Roberts⁴⁶⁸.
681. The other outstanding matter was the point at which to measure the noise of the cooling system. The rule stated that noise levels were to be measure at a distance of 1 m to 2 m from any diffuser. Dr Chiles recommended that it be set at 1 m to remove ambiguity, while it was Mr Day’s evidence that this should be set at 2 m.
682. Ms Wolt submitted that there was no scope to set the measuring point at 1 m, while there was scope to set it at 2 m. In her Reply Statement, Ms Evans accepted that there may not be scope to set it at 1 m and recommended that it be set at 2 m, noting that it was likely that most persons measuring such noise would use the most lenient point.⁴⁶⁹

⁴⁶⁶ Scott Roberts, EiC, paragraph 17

⁴⁶⁷ *ibid*, paragraphs 28 - 38

⁴⁶⁸ Kirsty O’Sullivan, EiC, Appendix D

⁴⁶⁹ Ruth Evans, Reply Statement, paragraph 8.4

683. The evidence from the noise experts did not suggest that there was a difference between the ventilation rule options put to us in terms of protecting residents from aircraft noise. Given that lack of difference, we prefer the expert advice of Mr Roberts and accept that the rule drafted by Ms O'Sullivan, subject to minor amendments, is the most appropriate to include in the PDP. As amended, this rule explicitly provides for cooling as sought in Submission 80.
684. For those reasons, we recommend that Rule 36.6.3 (renumber 36.6.2) be adopted in the form shown in Appendix 3.

17.11. Rule 36.7

685. This rule provides ventilation requirements for critical listening environments in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Zones and the Business Mixed Use Zone. There were no submissions on this rule and the Council, therefore, has no scope to change it other than by variation. It was Dr Chiles' evidence that it did need changing, even if only to correct the low setting from 1-2 ac/hr to 0.5 ac/hr. We recommend the Council obtain expert ventilation advice on appropriate standards for these zones and implement a variation to implement that advice if required.

17.12. Consequential Amendments Recommended by Other Hearing Streams

686. In addition to the amendments recommended by the Stream 8 Panel in relation to Section 36.1 and Rule 36.3.2.8 discussed above, that Panel has also recommended consequential amendments to recommended Rules 36.5.1, 36.5.3, 36.5.4 and 36.5.14.
687. The amendment to Rule 36.5.1 is consequential on the recommended rezoning of Wanaka Airport from Rural to Airport Zone. We agree that listing the Airport Zone – Wanaka in this rule will continue the notified noise regime for the land and therefore it can be made as a non-substantive change under Clause 16(2).
688. The remaining amendments are consequential on changing the name of the Airport Mixed Use Zone to Airport Zone. Again such changes are non-substantive changes under Clause 16(2).
689. We recommend those amendments, as shown in Appendix 3, are adopted.

17.13. Summary of Conclusions on Rules

690. We have set out in Appendix 3 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 36, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

18. CHANGES SOUGHT TO DEFINITIONS

18.1. Introduction

691. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not

directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

18.2. Noise

692. One submission⁴⁷⁰ sought that L_{dn} be deleted from the definition of noise. The submission suggests that it is only there to allow helicopters and no special provision should be made for noise from helicopters.

693. In discussing Rule 36.5.13 above we noted that expert noise evidence advised that the L_{dn} method is the best for measuring noise from helicopters. We recommend to the Stream 10 Hearing Panel that this submission be rejected.

18.3. Notional Boundary

694. The Southern District Health Board⁴⁷¹ recommended that “façade” in this definition be replaced by “any side” on the basis that in rural areas, where notional boundaries are used for noise measurement, it is all sides of the building that are important. Using the term façade may imply that it is only that facing the road which is relevant.

695. We agree with that logic and recommend to the Stream 10 Hearing Panel that the definition of notional boundary be amended to read:

***Notional boundary** means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.*

⁴⁷⁰ Submission 243, opposed by FS1340

⁴⁷¹ Submission 649

PART E: OVERALL RECOMMENDATION

696. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 30, in the form set out in Appendix 1, be adopted;
 - b. Chapter 35, in the form set out in Appendix 2, be adopted;
 - c. Chapter 36, in the form set out in Appendix 3, be adopted; and
 - d. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 4.
697. We recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 5 be included in Chapter 2 for the reasons set out above.
698. We further recommend that the Council consider initiating variations to deal with the following matters:
- a. Amend Objective 30.2.1 and associated policies as discussed in Section 3.1 above;
 - b. Delete Policy 30.2.5.4 as discussed in Section 3.5 above;
 - c. Amend definition of “utility” to exclude airport activities within the Airport Zone as discussed in Section 4.3 above;
 - d. Amend Rule 35.4.12 to make it consistent with Objective 35.2.5 and associated policies as discussed in Section 8.5 above;
 - e. Apply Rule 36.5.13 to all motorised craft as discussed in Section 19.9 above;
 - f. Amend Rule 36.7 as recommended to us by Dr Chiles and discussed in Section 19.11 above.

For the Hearing Panel



Denis Nugent, Chair
Date: 30 March 2018

Appendix 1: Chapter 30 as Recommended

30 ENERGY AND UTILITIES



30.1

Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation of electricity and the provision of essential infrastructure throughout the District.

30.1.1 Energy

Energy resources play a key role in the socio-economic wellbeing and growth of the District. Local energy needs may change over time and are dependent on the scale of demand, as well as measures to reduce demand through energy efficiency, conservation and small scale renewable generation.

In the future, there may be a need for new generation sources to meet demand. Electricity generation by renewable energy sources is desired over non-renewable sources and this is reinforced in the National Policy Statement on Renewable Electricity Generation 2011. The generation of electricity from non-renewable sources is generally discouraged. However, standby generation may be necessary for essential public, civic, community and health functions, or in areas not connected to the electricity distribution network.

Energy efficiency and conservation go hand in hand with renewable energy. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions. Small and community scale generation is encouraged and advantages of solar energy within the District are recognised. The benefits of solar energy may be realised through site design methods which promote solar efficient design, in addition to the inclusion of solar photovoltaic panels and solar hot water heating systems within buildings. Sustainable building forms which reduce energy demand and minimise heating costs are encouraged, including use of the Homestar™ rating system for residential buildings and Green Star tool for commercial buildings.

30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised. In addition, some utilities have specific locational needs that need to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.

Energy

30.2.1 **Objective** - The sustainable management of the District’s resources benefits from the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise them.

- Policies
- 30.2.1.1** Recognise the national, regional and local benefits of the District’s renewable and non-renewable electricity generation activities.
 - 30.2.1.2** Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

30.2.2 **Objective** - The use and development of renewable energy resources achieves the following:

- a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;**
- b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;**
- c. It assists in meeting international climate change obligations;**
- d. It reduces reliance on imported fuels for the purpose of generating electricity;**
- e. It helps with community resilience through development of local energy resources and networks.**

- Policies
- 30.2.2.1** Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:
 - a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available;
 - b. recognises logistical and technical practicalities associated with renewable electricity generation activities;
 - c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.
 - 30.2.2.2** Enable new technologies using renewable energy resources to be investigated and established in the district.

30.2.3 **Objective - Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.**

- Policies
- 30.2.3.1** Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.
 - 30.2.3.2** Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.
 - 30.2.3.3** Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.
 - 30.2.3.4** Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:
 - a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;
 - b. recreation and cultural values, including relationships with tangata whenua;
 - c. amenity values;
 - d. the extent of public benefit and outcomes of location specific cost-benefit analysis.
 - 30.2.3.5** Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.
 - 30.2.3.6** To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.
 - 30.2.3.7** Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

30.2.4 **Objective - Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.**

- Policies
- 30.2.4.1** Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.
 - 30.2.4.2** Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

- 30.2.4.3** Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.
- 30.2.4.4** Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.
- 30.2.4.5** Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.
- 30.2.4.6** Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

Utilities

30.2.5 Objective - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.

- Policies
- 30.2.5.1** Utilities are provided to service new development prior to buildings being occupied, and activities commencing.
 - 30.2.5.2** Ensure the efficient management of solid waste by:
 - a. encouraging methods of waste minimisation and reduction such as re-use and recycling;
 - b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
 - c. assessing trends in solid waste;
 - d. identifying solid waste sites for future needs;
 - e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);
 - f. providing for the appropriate re-use of decommissioned landfill sites.
 - 30.2.5.3** Recognise the future needs of utilities and ensure their provision in conjunction with the provider.
 - 30.2.5.4** Assess the priorities for servicing established urban areas, which are developed but are not reticulated.
 - 30.2.5.5** Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.
 - 30.2.5.6** Encourage low impact design techniques which may reduce demands on local utilities.

30.2.6 **Objective** - The establishment, continued operation and maintenance of utilities supports the well-being of the community.

- Policies
- 30.2.6.1** Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on-going viability and efficiency subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.
 - 30.2.6.2** When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.
 - 30.2.6.3** Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:
 - a. enabling enhancement of the quality of life and standard of living for people and communities;
 - b. providing for public health and safety;
 - c. enabling the functioning of businesses;
 - d. enabling economic growth;
 - e. enabling growth and development;
 - f. protecting and enhancing the environment;
 - g. enabling the transportation of freight, goods, people;
 - h. enabling interaction and communication.
 - 30.2.6.4** Encourage the co-location of facilities where operationally and technically feasible.
 - 30.2.6.5** Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

30.2.7 **Objective** - The adverse effects of utilities on the surrounding environments are avoided or minimised.

- Policies
- 30.2.7.1** Manage the adverse effects of utilities on the environment by:
 - a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;
 - b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;
 - c. ensuring that redundant utilities are removed;

- d. using landscaping and or colours and finishes to reduce visual effects;
- e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.

30.2.7.2 Require the undergrounding of services in new areas of development where technically feasible.

30.2.7.3 Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.

30.2.7.4 Take account of economic and operational needs in assessing the location and external appearance of utilities.

30.2.8 Objective - The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.

Policies

30.2.8.1 Enabling the use and development of the National Grid by managing its adverse effects by:

- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;
- b. avoiding Sensitive Activities within the National Grid Yard;
- c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;
- d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.

30.3

Other Provisions and Rules

30.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	31	<i>Signs</i>
32	Protected Trees	33	Indigenous Vegetation	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

30.3.2 Information on National Environmental Standards and Regulations

- a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.
- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

 - i. cabinets in and outside of road reserve;
 - ii. antennas on existing and new poles in the road reserve;
 - iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
 - iv. new poles and antennas in rural areas;
 - v. antennas on buildings;
 - vi. small-cell units on existing structures;
 - vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
 - viii. associated earthworks.

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

The provisions of the NESTF 2016 prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

- c. New Zealand Electrical Code of Practice for Electrical Safe Distances.

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

Advice Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.

Compliance with this District Plan does not ensure compliance with NZECP 34.

- d. Advice Note: Electricity (Hazards from Trees) Regulations 2003.

Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

30.3.3 Interpreting and Applying the Rules

30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

30.3.3.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.

30.3.3.3 The rules contained in this Chapter take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks;
- b. 26 Historic Heritage.

Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.

30.3.3.4 The following abbreviations are used in the tables.

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

30.4

Energy Rules

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.1	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating (including any structures and associated buildings but excluding Wind Electricity Generation), other than those activities restricted by Rule 30.4.1.4.	P
30.4.1.2	Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone that complies with Rule 30.4.2.3 Control is reserved to the following: a. noise; b. visual effects; c. colour; d. vibration.	C
30.4.1.3	Renewable Electricity Generation Activities , limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary. Discretion is restricted to: a. the duration of works and the research purpose; b. the location of investigation activities and facilities, including proximity to, and effects on, sensitive uses and environments; c. the height and scale of facilities and potential visual effects; d. environmental effects.	RD
30.4.1.4	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which is either: a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2. OR b. Located in any of the following sensitive environments: i. Arrowtown Residential Historic Management Zone; ii. Town Centre Special Character Areas ; iii. Significant Natural Areas; iv. Outstanding Natural Landscapes; v. Outstanding Natural Features; vi. Heritage Features and Heritage Overlay Areas.	D
30.4.1.5	Renewable Electricity Generation Activities , other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building housing plant and electrical equipment.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <p>30.4.2.1.1 Not overhang the edge of any building.</p> <p>30.4.2.1.2 Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</p> <p>30.4.2.1.3 Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</p> <p>30.4.2.1.4 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.1.5 Not intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.1.6 Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</p> <p>30.4.2.1.7 Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.</p> <p>30.4.2.1.8 Not exceed 150m² in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.9 Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.10 Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	D
30.4.2.2	<p>Mini and Micro Hydro Electricity Generation must:</p> <p>30.4.2.2.1 Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located.</p> <p>30.4.2.2.2 Not exceed 2.5 metres in height.</p> <p>30.4.2.2.3 Be finished in recessive colours consistent with the building it is servicing on site.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.</p>	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.3	<p>Wind Electricity Generation must:</p> <p>30.4.2.3.1 Comprise no more than two Wind Electricity Generation turbines or masts on any site.</p> <p>30.4.2.3.2 Involve no lattice towers.</p> <p>30.4.2.3.3 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.3.4 Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.3.5 Be finished in recessive colours with a light reflectance value of less than 16%.</p> <p>Notes:</p> <p>In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).</p> <p>The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.</p> <p>Wind turbines must comply with Chapter 36 (Noise).</p>	D
30.4.2.4	<p>Biomass Electricity Generation</p> <p>30.4.2.4.1 Biomass Electricity Generation fuel material shall be sourced on the same site as the generation plant, except where the generation plant is located in Industrial Zones (and Industrial Activities Areas within Structure Plans).</p> <p>30.4.2.4.2 Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places.</p> <p>30.4.2.4.3 Biomass Electricity Generation plant and equipment shall be located inside a Building.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Air</p>	D
30.4.2.5	<p>Buildings for renewable energy activities</p> <p>Any building housing plant and electrical equipment associated with Renewable Electricity Generation activities, unless permitted in the zone in which it located or approved by resource consent, shall:</p> <p>30.4.2.5.1 Not exceed 10m² in area and 2.5m in height.</p> <p>30.4.2.5.2 Be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>30.4.2.5.3 Be finished in recessive colours, consistent with the building it is servicing on site.</p>	D

30.4.3	Non-Renewable Energy Activities	Activity Status
30.4.3.1	<p>Non-renewable Electricity Generation where either:</p> <p>a. the generation only supplies activities on the site on which it is located and involves either:</p> <ul style="list-style-type: none"> i. standby generators associated with community, health care, and utility activities; or ii. generators that are part of a Stand-Alone Power System on sites that do not have connection to the local distributed electricity network. <p>OR</p> <p>b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year.</p> <p>Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).</p>	P
30.4.3.2	Non-Renewable Energy Activities which are not otherwise specified.	NC

30.5 Utility Rules

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.1	<p>Buildings associated with a Utility</p> <p>Any building or cabinet or structure of 10m² or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts for navigation or meteorology b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication c. lines and support structures. 	P
30.5.1.2	<p>Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works.</p>	P

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.3	<p>Buildings (associated with a Utility)</p> <p>The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication; c. line and support structures. <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. location; b. external appearance and visual effects; c. associated earthworks; d. parking and access; e. landscaping. 	C
30.5.1.4	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings in:</p> <ul style="list-style-type: none"> a. any Significant Natural Areas; b. the Arrowtown Residential Historic Management Zone. <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. lines and support structures. 	D
30.5.1.5	Flood Protection Works not otherwise provided for in Rule 30.4.5.1.2	D
30.5.1.6	Waste Management Facilities	D
30.5.1.7	Water and Wastewater Treatment Facilities	D
30.5.1.8	<p>Utilities and Buildings (associated with a Utility) which are not:</p> <p>30.5.8.1 provided for in any National Environmental Standard;</p> <p>OR</p> <p>30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13.</p>	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	<p>Setback from internal boundaries and road boundaries</p> <p>Where the utility is a building, it must be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures for telecommunications. 	D
30.5.2.2	<p>Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p>Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D
30.5.2.3	<p>Height</p> <p>All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D

30.5.3	National Grid Activities	Non-compliance Status
30.5.3.1	Minor Upgrading	P
30.5.3.2	Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor Subject to compliance with Rules 30.5.4.1 and 30.5.4.2.	P
30.5.3.3	Earthworks within the National Grid Yard Subject to compliance with Rule 30.5.4.2	P
30.5.3.4	Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to: <ol style="list-style-type: none"> a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance upgrading and development of the substation; b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and c. measures proposed to avoid or mitigate potential adverse effects. 	C
30.5.3.5	Erecting any lines, lattice towers or support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones.	D

30.5.4	National Grid Standards	Non-compliance Status
30.5.4.1	<p>Buildings and Structures permitted within the National Grid Yard</p> <p>30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.</p> <p>30.5.4.1.2 Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.</p> <p>30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid Support Structure.</p> <p>30.5.4.1.4 Any non-habitable building or structure used for agricultural activities provided that they are:</p> <ol style="list-style-type: none"> less than 2.5m high; located at least 12m from a National Grid Support Structure; not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm. <p>30.5.4.1.5 Alterations to existing buildings that do not alter the building envelope.</p> <p>30.5.4.1.6 An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC
30.5.4.2	<p>Earthworks permitted within the National Grid Yard</p> <p>30.5.4.2.1 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.</p> <p>30.5.4.2.2 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 3 metres.</p> <p>30.5.4.2.3 Earthworks must not create an unstable batter that will affect a transmission support structure.</p> <p>30.5.4.2.4 Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by the NZECP 34:2001.</p> <p>The following earthworks are exempt from the rules above:</p> <p>30.5.4.2.5 Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.</p> <p>30.5.4.2.6 Earthworks undertaken as part of agricultural activities or domestic gardening.</p> <p>30.5.4.2.7 Repair sealing, resealing of an existing road, footpath, farm track or driveway.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC

30.5.5	Electricity Distribution Activities	Non-compliance Status
30.5.5.1	Minor Upgrading	P
30.5.5.2	Lines and Supporting Structures The placement and upgrading of lines, poles and supporting structures within formed legal road.	P
30.5.5.3	Underground Electricity Cables The placement of underground electricity distribution cables provided the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.5.4	Lines and Supporting Structures Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity (at a voltage of equal to or less than 100kV at a capacity equal to or less than 100MVA). Control is reserved to: <ol style="list-style-type: none"> a. location; b. route; c. height; d. appearance, scale and visual effects. 	C
30.5.5.5	Lines and Supporting Structures Any line or support structure where it involves erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA) in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.1	Minor Upgrading	P
30.5.6.2	New Aerial Lines and Supporting Structures within formed road reserve; or New aerial telecommunication line/s on existing telecommunication or power structures including when located in sensitive environments identified in Rule 30.5.6.5.	P
30.5.6.3	The construction, alteration, or addition to underground lines providing the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.6.4	New Aerial Lines and Supporting Structures (outside formed road reserve) Not located in any of the sensitive environments identified by Rule 30.5.6.5 Control is reserved to: a. location; b. route; c. appearance, scale and visual effects.	C
30.5.6.5	New Aerial Lines and Supporting Structures Any line or support structure within any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D
30.5.6.6	Poles With a maximum height no greater than: a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; e. 11m in any other zone; and f. 8m in any identified Outstanding Natural Landscape. Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.7	<p>Poles</p> <p>Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in</p> <ul style="list-style-type: none"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Area; f. Sites containing a Heritage Feature; and g. Heritage Overlay Areas. 	D
30.5.6.8	<p>Antennas and ancillary equipment</p> <p>Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	P
30.5.6.9	<p>Antennas and ancillary equipment</p> <p>Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> a. location; b. appearance, colour and visual effects 	C
30.5.6.10	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone ; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Areas; and f. Heritage, Features and Heritage Overlay Areas. 	D
30.5.6.11	<p>Small Cell Units</p> <p>Provided that the small cell unit is not located within a Heritage Precinct.</p>	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.12	<p>Microcells</p> <p>A microcell and associated antennas, with a volume of between 0.11m³ and 2.5m³ provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. appearance; b. colour; and c. visual effects. 	C
30.5.6.13	<p>Small Cell Units and Microcells</p> <p>30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m³.</p> <p>OR</p> <p>30.5.6.13.2 A small cell unit located within a Heritage Precinct.</p>	D

30.6

Rules - Non-Notification of Applications

30.6.1 Any application for resource consent for the following matters does not require the written approval of other persons and will not be notified or limited-notified:

- 30.6.1.1** Controlled activities except for applications when within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.
- 30.6.1.2** Discretionary activities for Flood Protection Works.

Appendix 2: Chapter 35 as Recommended

35 TEMPORARY ACTIVITIES & RELOCATED BUILDINGS

35.1

Purpose

The purpose of the Temporary Activity provisions is to enable temporary events, filming, construction activities, military training, temporary utilities and temporary storage to be undertaken, subject to controls intended to minimise adverse effects. The provisions recognise that temporary activities, events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged.

The Relocated Building provisions primarily seek to ensure that the reinstatement of such buildings is compatible with the surrounding environment and amenity. The requirements of this chapter enable matters to be considered in addition to any specific controls for buildings and structures in the Zone Chapters and other relevant District Wide Chapters.

35.2

Objectives and Policies

35.2.1 **Objective – Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.**

Policies

- 35.2.1.1** Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.
- 35.2.1.2** Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.
- 35.2.1.3** Recognise that purpose-built event facilities are designed to cater for temporary activities.
- 35.2.1.4** Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.
- 35.2.1.5** Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.
- 35.2.1.6** Ensure temporary activities do not place an undue restriction on public access.
- 35.2.1.7** Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.
- 35.2.1.8** Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.
- 35.2.1.9** Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.

35.2.2 Objective – Temporary activities necessary to complete building and construction work are provided for.

- Policies
- 35.2.2.1** Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.
 - 35.2.2.2** Provide for small-scale retail activity to serve the needs of building and construction workers.
 - 35.2.2.3** Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.
-

35.2.3 Objective – Temporary Military Training Activities are provided for.

- Policy
- 35.2.3.1** Enable temporary military training to be undertaken within the District.
-

35.2.4 Objective – Temporary Utilities needed for other temporary activities or for emergencies are provided for.

- Policy
- 35.2.4.1** Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.
-

35.2.5 Objective – Temporary Storage is provided for.

- Policies
- 35.2.5.1** Permit temporary storage related to farming activity.
 - 35.2.5.2** Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.
-

35.2.6 Objective – Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

- 35.2.6.1** Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

35.3

Other Provisions and Rules

35.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	36 Noise	37 Designations
Planning Maps		

35.3.2 Interpreting and Applying the Rules

- 35.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 35.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 35.3.2.3** The Rules of this Chapter relating to Temporary Activities take precedence over any other provision of the District Plan, with the exception of:
- a. 26 Historic Heritage;
 - b. 31 Signs.
- 35.3.2.4** Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the rules in Chapter 36 (Noise) do not apply.
- 35.3.2.5** For a Relocated Building, the provisions in this Chapter apply in addition to any relevant provision of any other Chapter.

Advice Notes

Relocated Buildings: Newly pre-fabricated buildings (delivered to a site for erection on that site) are excluded from the definition of Relocated Building, and are not subject to the rules of this chapter.

Temporary Events: The following activities associated with Temporary Events are not regulated by the District Plan:

- a. Food and Beverage;
- b. Sale of Alcohol.

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

35.3.2.5 The following abbreviations are used within this Chapter.

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

35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.1	<p>Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event.</p> <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.2	<p>Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.</p>	P
35.4.3	<p>Temporary Events held on Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> a. Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve. <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.4	<p>Any other Temporary Events, provided that:</p> <ul style="list-style-type: none"> a. the number of persons (including staff) participating does not exceed 500 persons at any one time; b. the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down); c. the event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted; d. no site shall be used for any temporary event more than 7 times in any calendar year; e. all structures and equipment are removed from the site within 3 working days of the completion of the event ; f. for the purpose of this rule the relevant noise standards of the Zone do not apply. 	P

	Temporary Activities and Relocated Buildings	Activity Status
35.4.5	<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary events that are open to the general public provided that:</p> <ul style="list-style-type: none"> a. the informal airport is only used during the hours of 0800 – 2000; b. no site shall be used for an informal airport for more than 7 days in any calendar year; c. no site shall be used for an informal airport more than one day in any calendar month; d. the aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport. <p>For the purpose of this Rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.6	<p>Temporary Filming</p> <p>Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.</p>	P
35.4.7	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> a. the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; b. within the Rural Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; c. in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; d. all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone. <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P
35.4.8	<p>Temporary Construction-Related Activities</p> <p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ul style="list-style-type: none"> a. ancillary to a building or construction project and located on the same site; b. are limited to the duration of an active construction project; c. are removed from the site upon completion of the active construction project. 	P
35.4.9	<p>Temporary Construction-Related Activities</p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.</p>	P
35.4.10	<p>Temporary Military Training</p> <p>Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.</p>	P

	Temporary Activities and Relocated Buildings	Activity Status
35.4.11	<p>Temporary Utilities</p> <p>Any temporary utilities that:</p> <ol style="list-style-type: none"> are required to provide an emergency service; or are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan. 	P
35.4.12	<p>Temporary Storage</p> <p>Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.</p> <p>Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	P
35.4.13	<p>Relocated Building</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the reinstatement works required to the exterior of the building and the timeframe to execute such works; the timeframe for placing the building on permanent foundations and the closing in of those foundations; the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area. <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	C
35.4.14	Any temporary activity or relocated building not otherwise listed as a permitted or controlled activity in this table.	D

35.5

Rules - Standards

	Standards for Activities	Non- compliance Status																																																
35.5.1	<p>Glare</p> <p>All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of lighting on the amenity of adjoining properties.</p>																																																
35.5.2	<p>Waste Management</p> <p>All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, must undertake the event in accordance with the Council’s Zero Waste Events Guide, including the submission of a completed ‘Zero Waste Event Form’.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to minimise and manage waste from the event.</p>																																																
35.5.3	<p>Sanitation</p> <p>All temporary events with an anticipated attendance of up to 500 must provide a minimum number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>People Attending</th> <th colspan="7">Duration of Event (hours)</th> </tr> <tr> <th></th> <th>1-2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8+</th> </tr> </thead> <tbody> <tr> <td>1-50</td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td>51-100</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> <tr> <td>101-250</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>6</td> </tr> <tr> <td>251-500</td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> <td>6</td> <td>6</td> <td>8</td> </tr> </tbody> </table> <p>Advice Note</p> <p>Weather conditions, the amount of food and beverages consumed, and the availability of alcohol can increase toilet usage by 30% - 40%.</p>	People Attending	Duration of Event (hours)								1-2	3	4	5	6	7	8+	1-50	1	1	1	2	2	2	2	51-100	2	2	2	2	3	3	3	101-250	3	3	3	3	4	4	6	251-500	4	4	4	6	6	6	8	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to provide adequate sanitation facilities for the event.</p>
People Attending	Duration of Event (hours)																																																	
	1-2	3	4	5	6	7	8+																																											
1-50	1	1	1	2	2	2	2																																											
51-100	2	2	2	2	3	3	3																																											
101-250	3	3	3	3	4	4	6																																											
251-500	4	4	4	6	6	6	8																																											

35.6

Rules - Non-Notification of Applications

35.6.1 Any application for resource consent for the following matters do not require the written approval of other persons and not be notified or limited-notified:

35.6.1.1 Temporary filming.

Appendix 3: Chapter 36 as Recommended

36 NOISE

36.1

Purpose

The purpose of this chapter is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, or timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

The Resource Management Act 1991 (RMA) requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. “Reasonable” noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers, should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft is controlled under section 29B of the Civil Aviation Act 1990.

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in Rule 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone (which is subject to Rule 36.5.13) noise received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centre Zone chapters. This is due to the town centre-specific complexities of noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is managed under this chapter, except that noise from music, voice and loudspeakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone), need not meet the noise limits set by this chapter.

36.2

Objectives and Policies

36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.

Policies **36.2.1.1** Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

36.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 <i>Transport</i>	30 Energy and Utilities
31 <i>Signs</i>	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	37 Designations
Planning Maps		

36.3.2 Interpreting and Applying the Rules

- 36.3.2.1** Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance but breaches a standard, requires resource consent as a Non-complying activity.
- 36.3.2.2** Sound levels shall be measured and assessed in accordance with NZS **6801:2008** Acoustics - Measurement of Environmental Sound and NZS **6802:2008** Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.
- 36.3.2.3** Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.
- 36.3.2.4** In addition to the above, the noise from the activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.
- 36.3.2.5** Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall also be subject to the rules in the chapters relating to the zones in which the activity is located.
- 36.3.2.6** Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.7** The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.

36.3.2.8 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.

36.3.2.9 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

32.3.2.10 The following abbreviations are used in the tables:

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

36.4 Rules - Activities

Table 1 - Permitted Activities

Rule Number	Permitted Activities	Activity Status
36.4.1	Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).	P
36.4.2	Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.	P
36.4.3	Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.	P
36.4.4	Sound from temporary military training activities.	P
36.4.5	In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.	P
36.4.6	Sound from telecommunications cabinets in road reserve.	P
36.4.7	<p>Sound from emergency and backup electrical generators:</p> <ul style="list-style-type: none"> a. operating for emergency purposes or; b. operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700. <p>For the purpose of this rule backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).</p>	P

36.5

Rules - Standards

Table 2 - General Standards

Rule Number	General Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.1	Rural Zone (Note: refer 36.5.14 for noise received in the Rural Zone from the Airport Zone - Queenstown). Gibbston Character Zone Airport Zone - Wanaka	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC
36.5.2	Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.14 for noise received in the Residential Zones from the Airport Zone - Queenstown). Arrowtown Residential Historic Management Zone Rural Residential Zone Rural Lifestyle Zone Waterfall Park Zone Millbrook Resort Zone - Residential Activity Areas only Jacks Point Zone- Residential Activity Areas only	Any point within any site.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC
36.5.3	Airport Zone - Queenstown	At any point within the zone.	Any time	No limit	P
36.5.4	Jacks Point Zone - Village Activity Area only	Any point within any site.	0800h to 2200h	60 dB L _{Aeq(15 min)}	NC
			2200h to 0800h	50 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC

Table 3 - Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.5	<p>Certain Telecommunications Activities in Road Reserve</p> <p>The Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008 provide for noise from telecommunications equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.</p> <p>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.</p>	<p>36.5.5.1 Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured: <ul style="list-style-type: none"> i. at a point 1 m from the side of the building; or ii. at a point in the plane of the side of the building; b. in any other case, the noise must be measured at a point that is: <ul style="list-style-type: none"> i. at least 3 m from the cabinet; and ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	0700h to 2200h	50 dB $L_{Aeq(5 min)}$	Refer NESTF
			2200h to 0700h	40 dB $L_{Aeq(5 min)}$	
			2200h to 0700h	65 dB L_{AFmax}	
		Any time	60 dB $L_{Aeq(5 min)}$		
		<p>36.5.5.2 Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured: <ul style="list-style-type: none"> i. at a point 1 m from the side of the building; or ii. at a point in the plane of the side of the building; b. in any other case, the noise must be measured at a point that is: <ul style="list-style-type: none"> i. at least 3 m from the cabinet; and ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	2200h to 0700h	65 dB L_{AFmax}	

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.6	<p>Wind Turbines</p> <p>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise</p>	At any point within the notional boundary of any residential unit.	Any time	40 dB $L_{A90(10 \text{ min})}$ or the background sound level $L_{A90(10 \text{ min})}$ plus 5 dB, whichever is higher	NC
36.5.7	<p>Audible Bird Scaring Devices</p> <p>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).</p> <p>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.</p> <p>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.</p> <p>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.</p>	<p>36.5.7.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.</p>	Hours of daylight but not earlier than 0600h	65 dB L_{AE} shall apply to any one event	NC
		<p>36.5.7.2 In any public place.</p>	At any time	90 dB L_{AE} is received from any one noise event	
36.5.8	<p>Frost fans</p> <p>Sound from frost fans.</p>	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	55 dB $L_{A_{\text{aeg}}(15 \text{ min})}$	NC

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.9	<p>Vibration</p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p>	On any structures or buildings on any other site.	Refer to relevant standard	Refer to relevant standard	NC
36.5.10	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>	At all times	50 dB L _{dn}	NC
36.5.11	<p>Fixed Wing Aircraft</p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>	At all times	55 dB L _{dn}	NC

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.12	<p>Construction Noise</p> <p>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p>	At any point within any other site.	Refer to relevant standard	Refer to relevant standard	D
36.5.13	<p>Commercial Motorised Craft</p> <p>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</p>	25 metres from the craft.	0800 to 2000h 2000h to 0800h	77 dB L _{ASmax} 67 dB L _{ASmax}	NC
36.5.14	Sound from the Airport Zone - Queenstown received in the Residential Zones, and the Rural Zone, excluding sound from aircraft operations that are subject to the Queenstown Airport Designation No.2.	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone.	0700h to 2200h 2200h to 0700h	55 dB _{Aeq(15 min)} 45 dB _{Aeq(15 min)} 70 dB _{AFmax}	RD Discretion is restricted to the extent of effects of noise generated on adjoining zones.

36.6

Airport Noise

36.6.1 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB) as shown on the planning maps.

Table 4

Building Element	Minimum Construction	
External Walls	Exterior Lining	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation	Not required for acoustical purposes
	Frame	One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)
Windows/Glazed Doors	Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide	
Pitched Roof	Cladding	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 9mm gypsum or plaster board
Skillion Roof	Cladding	0.5mm profiled steel or 6mm fibre cement
	Sarking	None Required
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 1mm gypsum or plasterboard
External Door	Solid core door (min 24kg/m ²) with weather seals	

Note: The specified construction materials in this table are the minimum required to meet the Indoor Design Sound Level. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (eg fire, Building Code etc) would also need to be implemented.

36.6.2 Ventilation Requirements for the Queenstown and Wanaka Airport

The following applies to the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Critical Listening Environments must have a ventilation and cooling system(s) designed, constructed and maintained to achieve the following:

- a. an outdoor air ventilation system. The ventilation rate must be able to be controlled by the occupant in increments as follows:
 - i. a low air flow setting that provides air at a rate of between 0.35 and 0.5 air changes per hour. The sound of the system on this setting must not exceed 30dB LAeg(30s) when measured 2m away from any grille or diffuser;
 - ii. a high air flow setting that provides at least 5 air changes per hour. The sound of the system on this setting must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.

- b. the system must provide, either by outdoor air alone, combined outdoor air and heating/cooling system or by direct room heating / cooling:
 - i. cooling that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no greater than 25°C; and
 - ii. heating that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no less than 18°C ;and
 - iii. the sound of the system when in heating or cooling mode must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.
- c. a relief air path must be provided to ensure the pressure difference between the Critical Listening Environments and outside is never greater than 30Pa;
- d. if cooling is provided by a heat pump then the requirements of (a)(ii) and (c) do not apply.

Note: Where there is an existing ventilation, heating and/or cooling system, and/or relief air path within a Critical Listening Environment that meets the criteria stated in the rule, the existing system may be utilised to demonstrate compliance with the rule.

36.7

Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Appendix 4: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
19.15	Kain Fround	Accept in part	2.1
19.18	Kain Fround	Accept in part	13.2
20.1	Aaron Cowie	Reject	5.4
21.61	Alison Walsh	Accept in part	12.2
52.1	Graeme Lester	Accept	17.1
72.6	Kelvin Peninsula Community Association	Accept	5.3
80.1	David Jerram	Accept in part	17.10
80.2	David Jerram	Accept in part	17.10
115.6	Florence Micoud	Reject	Part B
115.9	Florence Micoud	Reject	13.2
117.11	Maggie Lawton	Reject	3
126.4	Hunter Leece / Anne Kobienia	Reject	3.4
126.5	Hunter Leece / Anne Kobienia	Accept in part	5.3
126.9	Hunter Leece / Anne Kobienia	Accept in part	5.4
143.2	Richard Bowman	Accept	17.7
159.8	Karen Boulay	Reject	13.2
165.1	Maggie Lawton	Reject	2.1
179.15	Vodafone NZ	Accept	2.1
179.16	Vodafone NZ	Accept in part	3.5
179.17	Vodafone NZ	Accept	3.5
179.18	Vodafone NZ	Accept	3.5
179.19	Vodafone NZ	Accept in part	3.6
179.20	Vodafone NZ	Accept in part	3.6
179.21	Vodafone NZ	Accept	3.6
179.22	Vodafone NZ	Accept in part	3.6
179.23	Vodafone NZ	Accept in part	3.7
179.24	Vodafone NZ	Accept in part	3.7
179.25	Vodafone NZ	Reject	3.7
179.26	Vodafone NZ	Accept	3.7
179.27	Vodafone NZ	Accept	4.2
179.28	Vodafone NZ	Accept in part	5
179.29	Vodafone NZ	Reject	5.24
179.30	Vodafone NZ	Reject	5.25
179.31	Vodafone NZ	Accept	5.26
191.13	Spark Trading NZ Limited	Accept	2.1
191.14	Spark Trading NZ Limited	Accept in part	3.5
191.15	Spark Trading NZ Limited	Accept	3.5
191.16	Spark Trading NZ Limited	Accept	3.5
191.17	Spark Trading NZ Limited	Accept in part	3.6
191.18	Spark Trading NZ Limited	Accept in part	3.6
191.19	Spark Trading NZ Limited	Accept	3.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
191.20	Spark Trading NZ Limited	Accept in part	3.6
191.21	Spark Trading NZ Limited	Accept in part	3.7
191.22	Spark Trading NZ Limited	Accept in part	3.7
191.23	Spark Trading NZ Limited	Reject	3.7
191.24	Spark Trading NZ Limited	Accept	3.7
191.25	Spark Trading NZ Limited	Accept	4.2
191.26	Spark Trading NZ Limited	Accept in part	5
191.27	Spark Trading NZ Limited	Reject	5.24
191.28	Spark Trading NZ Limited	Reject	5.25
191.29	Spark Trading NZ Limited	Accept	5.26
197.28	Jeffrey Hylton	Accept in part	14
230.6	Loris King	Reject	2.3
238.11	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.117	NZIA Southern and Architecture + Women Southern	Accept	2.3
238.118	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.119	NZIA Southern and Architecture + Women Southern	Reject	3.8
243.20	Christine Byrch	Reject	17.7
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.11	PowerNet Limited	Reject	2.3
251.12	PowerNet Limited	Reject	3.5
251.13	PowerNet Limited	Accept in part	3.6
251.14	PowerNet Limited	Accept in part	3.6
251.15	PowerNet Limited	Reject	3.6
251.16	PowerNet Limited	Accept in part	3.6
251.17	PowerNet Limited	Accept in part	3.7
251.18	PowerNet Limited	Reject	3.7
251.19	PowerNet Limited	Accept	3.7
251.20	PowerNet Limited	Accept	3.7
251.21	PowerNet Limited	Accept in part	5.13
251.22	PowerNet Limited	Accept	5.14
251.23	PowerNet Limited	Accept in part	5.17
251.24	PowerNet Limited	Accept in part	5.17
251.25	PowerNet Limited	Accept in part	5.20
251.26	PowerNet Limited	Accept	5.20
251.27	PowerNet Limited	Accept	5.21
251.28	PowerNet Limited	Reject	5.23
251.29	PowerNet Limited	Accept in part	5.24
251.30	PowerNet Limited	Accept	5.25
251.31	PowerNet Limited	Reject	5.26
263.1	Angela Martin	Reject	5.3
290.2	Christine Ryan	Accept in part	3.4
292.7	John Walker	Reject	3.7
292.8	John Walker	Reject	3.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
310.7	Jon Waterston	Accept in part	17.10
368.10	Anna-Marie Chin Architects and Phil Vautier	Reject	5.10
368.11	Anna-Marie Chin Architects and Phil Vautier	Reject	5.11
368.12	Anna-Marie Chin Architects and Phil Vautier	Reject	5.25
368.17	Anna-Marie Chin Architects and Phil Vautier	Reject	5.23
368.7	Anna-Marie Chin Architects and Phil Vautier	Accept	5.4
368.8	Anna-Marie Chin Architects and Phil Vautier	Accept in part	5.20
368.9	Anna-Marie Chin Architects and Phil Vautier	Reject	5.3
373.16	Department of Conservation	Accept	3.3
373.17	Department of Conservation	Accept in part	3.3
383.59	Queenstown Lakes District Council	Reject	2.3
383.60	Queenstown Lakes District Council	Accept in part	3.6
383.61	Queenstown Lakes District Council	Accept	5
383.62	Queenstown Lakes District Council	Accept	5.18
383.63	Queenstown Lakes District Council	Accept	5
383.64	Queenstown Lakes District Council	Accept	5
383.65	Queenstown Lakes District Council	Accept	5.26
383.66	Queenstown Lakes District Council	Reject	5.3
383.67	Queenstown Lakes District Council	Reject	5.15
383.68	Queenstown Lakes District Council	Accept in part	5.28
383.72	Queenstown Lakes District Council	Accept in part	17.10
391.20	Sean & Jane McLeod	Reject	17.1
421.12	Two Degrees Mobile Limited	Accept in part	2.1
421.13	Two Degrees Mobile Limited	Accept in part	3.5
421.14	Two Degrees Mobile Limited	Accept in part	3.6
421.15	Two Degrees Mobile Limited	Reject	3.6
421.16	Two Degrees Mobile Limited	Accept	3.6
421.17	Two Degrees Mobile Limited	Accept in part	3.6
421.18	Two Degrees Mobile Limited	Accept in part	3.7
421.19	Two Degrees Mobile Limited	Accept	4.2
421.20	Two Degrees Mobile Limited	Accept in part	5
421.21	Two Degrees Mobile Limited	Reject	5.24
421.22	Two Degrees Mobile Limited	Reject	5.25
421.23	Two Degrees Mobile Limited	Accept	5.26
424.1	David Pickard	Accept in part	2.1
424.2	David Pickard	Accept	2.1
433.110	Queenstown Airport Corporation	Accept in part	13.3
433.111	Queenstown Airport Corporation	Accept	15.2
433.112	Queenstown Airport Corporation	Accept	16.1
433.113	Queenstown Airport Corporation	Accept in part	17.2
433.114	Queenstown Airport Corporation	Accept	17.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
433.115	Queenstown Airport Corporation	Accept	17.7
433.116	Queenstown Airport Corporation	Accept	17.8
433.117	Queenstown Airport Corporation	Accept	17.10
433.118	Queenstown Airport Corporation	Accept in part	17.10
433.33	Queenstown Airport Corporation	Reject	12.3
438.41	New Zealand Fire Service	Accept	16.1
475.1	Arthurs Point Protection Society	Reject	17.7
475.2	Arthurs Point Protection Society	Reject	17.7
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
510.8	Wayne L Blair	Reject	5.3
511.8	Helen Blair	Reject	5.3
519.61	New Zealand Tungsten Mining Limited	Reject	3.7
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
571.4	Totally Tourism Limited	Accept in part	17.7
574.3	Skyline Enterprises Limited	Reject	17.7
580.10	Contact Energy Limited	Accept in part	5.17
580.13	Contact Energy Limited	Accept	17.5
580.7	Contact Energy Limited	Accept	3.3
580.8	Contact Energy Limited	Reject	5.5
580.9	Contact Energy Limited	Accept	5.6
600.108	Federated Farmers of New Zealand	Accept in part	3.6
600.109	Federated Farmers of New Zealand	Reject	3.6
600.110	Federated Farmers of New Zealand	Reject	3.6
600.111	Federated Farmers of New Zealand	Accept	4.2
600.112	Federated Farmers of New Zealand	Accept in part	5.15
600.113	Federated Farmers of New Zealand	Accept in part	5.15
607.38	Te Anau Developments Limited	Reject	2.1
607.39	Te Anau Developments Limited	Accept in part	5.21
607.40	Te Anau Developments Limited	Accept in part	5.18
607.41	Te Anau Developments Limited	Reject	5.18
607.44	Te Anau Developments Limited	Reject	12.3
607.57	Te Anau Developments Limited	Reject	16.1
607.58	Te Anau Developments Limited	Reject	17.7
607.59	Te Anau Developments Limited	Reject	17.8
615.36	Cardrona Alpine Resort Limited	Reject	2.1
615.37	Cardrona Alpine Resort Limited	Accept in part	5.21
615.38	Cardrona Alpine Resort Limited	Accept in part	5.18
615.39	Cardrona Alpine Resort Limited	Reject	5.18
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
621.126	Real Journeys Limited	Reject	17.9
621.128	Real Journeys Limited	Reject	17.8
621.129	Real Journeys Limited	Accept in part	17.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
632.68	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	17.3
635.47	Aurora Energy Limited	Accept	2.3
635.48	Aurora Energy Limited	Accept	3.3
635.49	Aurora Energy Limited	Reject	3.5
635.50	Aurora Energy Limited	Accept in part	3.6
635.51	Aurora Energy Limited	Reject	3.6
635.52	Aurora Energy Limited	Accept in part	3.6
635.53	Aurora Energy Limited	Accept in part	3.7
635.54	Aurora Energy Limited	Reject	3.7
635.55	Aurora Energy Limited	Reject	3.7
635.56	Aurora Energy Limited	Reject	3.7
635.57	Aurora Energy Limited	Accept	3.7
635.58	Aurora Energy Limited	Accept	4.2
635.59	Aurora Energy Limited	Reject	5.7
635.60	Aurora Energy Limited	Accept in part	5.14
635.61	Aurora Energy Limited	Reject	2.2
635.62	Aurora Energy Limited	Accept in part	5.17
635.63	Aurora Energy Limited	Accept in part	5.17
635.64	Aurora Energy Limited	Accept	5.20
635.65	Aurora Energy Limited	Reject	5.20
635.66	Aurora Energy Limited	Accept in part	5.23
635.67	Aurora Energy Limited	Accept	5.25
635.68	Aurora Energy Limited	Reject	5.15
635.69	Aurora Energy Limited	Accept in part	5.15
635.70	Aurora Energy Limited	Reject	2.2
635.71	Aurora Energy Limited	Reject	2.2
635.8	Aurora Energy Limited	Accept in part	12.3
635.80	Aurora Energy Limited	Accept in part	15.2
635.81	Aurora Energy Limited	Accept in part	16.1
649.10	Southern District Health Board	Accept in part	17.1
649.11	Southern District Health Board	Accept	17.5
649.12	Southern District Health Board	Accept in part	17.10
649.13	Southern District Health Board	Accept in part	17.9
649.4	Southern District Health Board	Accept in part	13.3
649.5	Southern District Health Board	Accept in part	13.3
649.6	Southern District Health Board	Accept in part	13.3
649.7	Southern District Health Board	Accept in part	14.1
649.8	Southern District Health Board	Accept	15.2
649.9	Southern District Health Board	Accept	16.1
660.6	Andrew Fairfax	Reject	17.7
662.6	I and P Macauley	Reject	17.7
708.1	NZ Fire Service	Accept	16.1
713.3	Heli Tours Limited	Reject	17.7
714.15	Kopuwait Investments Limited	Accept in part	13.3
717.19	The Jandel Trust	Accept in part	14.1
717.20	The Jandel Trust	Reject	14.1
717.21	The Jandel Trust	Reject	15.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.147	NZ Transport Agency	Accept in part	2.3
719.148	NZ Transport Agency	Reject	3.4
719.149	NZ Transport Agency	Reject	3.4
719.150	NZ Transport Agency	Accept in part	3.6
719.154	NZ Transport Agency	Accept in part	14.1
719.155	NZ Transport Agency	Accept	14.1
719.156	NZ Transport Agency	Accept	16.1
719.170	NZ Transport Agency	Accept in part	3.7
746.7	Bunnings Limited	Accept	17.1
752.11	Michael Farrier	Reject	5.4
758.12	Jet Boating New Zealand	Reject	17.9
762.8	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Reject	17.3
762.9	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in part	17.3
781.14	Chorus New Zealand Limited	Accept	2.1
781.15	Chorus New Zealand Limited	Accept in part	3.5
781.16	Chorus New Zealand Limited	Accept	3.5
781.17	Chorus New Zealand Limited	Accept	3.5
781.18	Chorus New Zealand Limited	Accept in part	3.6
781.19	Chorus New Zealand Limited	Accept in part	3.6
781.20	Chorus New Zealand Limited	Accept	3.6
781.21	Chorus New Zealand Limited	Accept in part	3.6
781.22	Chorus New Zealand Limited	Accept in part	3.7
781.23	Chorus New Zealand Limited	Reject	3.7
781.24	Chorus New Zealand Limited	Accept	3.7
781.25	Chorus New Zealand Limited	Accept	4.2
781.26	Chorus New Zealand Limited	Accept in part	5
781.27	Chorus New Zealand Limited	Reject	5.24
781.28	Chorus New Zealand Limited	Reject	5.25
781.29	Chorus New Zealand Limited	Accept	5.26
792.24	Patricia Swale	Reject	5.3
792.25	Patricia Swale	Reject	5.3
792.26	Patricia Swale	Reject	5.3
792.27	Patricia Swale	Reject	5.3
805.69	Transpower New Zealand Limited	Reject	2.3
805.70	Transpower New Zealand Limited	Reject	2.3
805.71	Transpower New Zealand Limited	Accept in part	3.8
805.72	Transpower New Zealand Limited	Reject	3.5
805.73	Transpower New Zealand Limited	Reject	3.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
805.74	Transpower New Zealand Limited	Accept in part	3.6
805.75	Transpower New Zealand Limited	Accept in part	3.6
805.76	Transpower New Zealand Limited	Accept	3.6
805.77	Transpower New Zealand Limited	Accept	3.6
805.78	Transpower New Zealand Limited	Accept in part	3.6
805.79	Transpower New Zealand Limited	Reject	3.6
805.80	Transpower New Zealand Limited	Reject	3.7
805.81	Transpower New Zealand Limited	Accept in part	3.7
805.82	Transpower New Zealand Limited	Reject	3.7
805.83	Transpower New Zealand Limited	Reject	3.7
805.84	Transpower New Zealand Limited	Accept	4.2
805.85	Transpower New Zealand Limited	Accept in part	4.2
805.86	Transpower New Zealand Limited	Accept	4.2
805.87	Transpower New Zealand Limited	Accept in part	4.3
805.88	Transpower New Zealand Limited	Accept	4.3
805.89	Transpower New Zealand Limited	Accept	5.14
805.90	Transpower New Zealand Limited	Accept in part	5.15
805.91	Transpower New Zealand Limited	Accept in part	5.15
805.92	Transpower New Zealand Limited	Accept in part	5.17
805.93	Transpower New Zealand Limited	Accept in part	5.15
805.94	Transpower New Zealand Limited	Accept in part	5.16
806.204	Queenstown Park Limited	Reject	3.4
806.205	Queenstown Park Limited	Accept in part	5.21
806.226	Queenstown Park Limited	Reject	3.7
817.6	Te Ao Marama Inc	Accept in part	2.1
847.18	FII Holdings Limited	Accept in part	14.1
847.19	FII Holdings Limited	Reject	14.1
847.20	FII Holdings Limited	Reject	15.2
1365.1	New Zealand Defence Force	Accept in part	12.3
1365.10	New Zealand Defence Force	Accept in part	14.1
1365.11	New Zealand Defence Force	Accept	14.1
1365.12	New Zealand Defence Force	Accept	15.2
1365.13	New Zealand Defence Force	Accept	16.1
1365.8	New Zealand Defence Force	Accept in part	13.3
1365.9	New Zealand Defence Force	Accept in part	14.1
1366.9	Moraine Creek Limited	Accept	17.7

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.23	373.17	Straterra	Accept in part	3.3
FS1015.43	519.7	Straterra	Reject	12.3
FS1015.97	519.61	Straterra	Reject	3.7
FS1024.1	126.9	Hunter Leece and Anne Kobienia	Accept in part	5.4

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.25	717.19	Universal Developments Limited	Accept in part	14.1
FS1029.26	717.20	Universal Developments Limited	Accept	14.1
FS1029.27	717.21	Universal Developments Limited	Accept	15.2
FS1034.108	600.108	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.109	600.109	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.110	600.110	Upper Clutha Environmental Society (Inc.)	Accept	3.6
FS1034.111	600.111	Upper Clutha Environmental Society (Inc.)	Reject	4.2
FS1034.112	600.112	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1034.113	600.113	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1040.30	580.8	Forest and Bird	Accept	5.5
FS1040.8	373.16	Forest and Bird	Accept	3.3
FS1063.21	574.3	Peter Fleming and Others	Accept	17.7
FS1077.6	80.1	Board of Airline Representatives of New Zealand (BARNZ)	Reject	17.10
FS1085.16	251.24	Contact Energy Limited	Accept in part	5.17
FS1093.3	143.2	T R Currie	Reject	17.7
FS1097.100	251.17	Queenstown Park Limited	Accept in part	3.7
FS1097.101	251.26	Queenstown Park Limited	Accept	5.20
FS1097.396	433.110	Queenstown Park Limited	Reject	13.3
FS1097.397	433.111	Queenstown Park Limited	Reject	15.2
FS1097.398	433.112	Queenstown Park Limited	Reject	16.1
FS1097.399	433.113	Queenstown Park Limited	Reject	17.2
FS1097.400	433.114	Queenstown Park Limited	Reject	17.4
FS1097.401	433.115	Queenstown Park Limited	Reject	17.7
FS1097.402	433.116	Queenstown Park Limited	Reject	17.8
FS1097.403	433.117	Queenstown Park Limited	Reject	17.10
FS1097.404	433.118	Queenstown Park Limited	Reject	17.10
FS1097.53	179.16	Queenstown Park Limited	Accept in part	3.5
FS1097.54	179.17	Queenstown Park Limited	Reject	3.5
FS1097.55	179.20	Queenstown Park Limited	Reject	3.6
FS1097.56	179.23	Queenstown Park Limited	Accept in part	3.7
FS1097.561	607.38	Queenstown Park Limited	Accept	2.1
FS1097.563	607.57	Queenstown Park Limited	Reject	16.1
FS1097.57	179.24	Queenstown Park Limited	Accept in part	3.7
FS1097.63	191.14	Queenstown Park Limited	Accept in part	3.5
FS1097.64	191.15	Queenstown Park Limited	Reject	3.5
FS1097.65	191.21	Queenstown Park Limited	Accept in part	3.7
FS1097.66	191.22	Queenstown Park Limited	Accept in part	3.7
FS1097.698	719.149	Queenstown Park Limited	Reject	3.4
FS1097.9	20.1	Queenstown Park Limited	Accept	5.4
FS1097.98	251.11	Queenstown Park Limited	Reject	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.99	251.12	Queenstown Park Limited	Reject	3.5
FS1105.36	615.36	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.1
FS1105.37	615.37	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.21
FS1105.38	615.38	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.18
FS1105.39	615.39	Cardrona Valley Residents and Ratepayers Society Inc	Reject	5.18
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.11	805.93	Chorus New Zealand Limited	Accept in part	5.15
FS1106.2	292.7	Chorus New Zealand Limited	Accept	3.7
FS1106.3	292.8	Chorus New Zealand Limited	Accept	3.7
FS1106.4	383.64	Chorus New Zealand Limited	Reject	5
FS1107.122	238.117	Man Street Properties Ltd	Reject	2.3
FS1107.123	238.118	Man Street Properties Ltd	Accept in part	2.3
FS1107.124	238.119	Man Street Properties Ltd	Accept in part	3.8
FS1107.16	238.11	Man Street Properties Ltd	Accept in part	2.3
FS1117.156	433.110	Remarkables Park Limited	Reject	13.3
FS1117.157	433.111	Remarkables Park Limited	Reject	15.2
FS1117.158	433.112	Remarkables Park Limited	Reject	16.1
FS1117.159	433.113	Remarkables Park Limited	Reject	17.2
FS1117.160	433.114	Remarkables Park Limited	Reject	17.4
FS1117.161	433.115	Remarkables Park Limited	Reject	17.7
FS1117.162	433.116	Remarkables Park Limited	Reject	17.8
FS1117.163	433.117	Remarkables Park Limited	Reject	17.10
FS1117.164	433.118	Remarkables Park Limited	Reject	17.10
FS1117.20	251.26	Remarkables Park Limited	Accept	5.20
FS1121.22	179.16	Aurora Energy Limited	Accept in part	3.5
FS1121.23	191.14	Aurora Energy Limited	Accept in part	3.5
FS1121.24	179.20	Aurora Energy Limited	Accept in part	3.6
FS1121.25	191.18	Aurora Energy Limited	Accept in part	3.6
FS1121.26	600.109	Aurora Energy Limited	Accept in part	3.6
FS1121.27	179.24	Aurora Energy Limited	Accept in part	3.7
FS1121.28	191.22	Aurora Energy Limited	Accept in part	3.7
FS1121.29	20.1	Aurora Energy Limited	Accept	5.4
FS1121.30	251.21	Aurora Energy Limited	Accept in part	5.13
FS1121.31	251.26	Aurora Energy Limited	Accept	5.20
FS1121.32	251.29	Aurora Energy Limited	Accept in part	5.24
FS1121.33	421.21	Aurora Energy Limited	Reject	5.24
FS1121.34	781.27	Aurora Energy Limited	Reject	5.24
FS1121.35	421.22	Aurora Energy Limited	Reject	5.25
FS1121.36	421.23	Aurora Energy Limited	Accept	5.26
FS1121.37	805.86	Aurora Energy Limited	Accept in part	4.2
FS1121.38	805.90	Aurora Energy Limited	Accept in part	5.15
FS1121.39	805.92	Aurora Energy Limited	Accept in part	5.17

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1121.40	805.93	Aurora Energy Limited	Accept in part	5.15
FS1132.12	191.20	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.16	251.11	Federated Farmers of New Zealand	Accept	2.3
FS1132.17	251.15	Federated Farmers of New Zealand	Accept	3.6
FS1132.43	635.51	Federated Farmers of New Zealand	Accept	3.6
FS1132.44	635.61	Federated Farmers of New Zealand	Accept	2.2
FS1132.45	635.70	Federated Farmers of New Zealand	Accept	2.2
FS1132.46	635.71	Federated Farmers of New Zealand	Accept	2.2
FS1132.6	179.20	Federated Farmers of New Zealand	Reject	3.6
FS1132.65	805.69	Federated Farmers of New Zealand	Accept	2.3
FS1132.66	805.77	Federated Farmers of New Zealand	Reject	3.6
FS1132.67	805.78	Federated Farmers of New Zealand	Reject	3.6
FS1132.68	805.79	Federated Farmers of New Zealand	Reject	3.6
FS1132.69	805.91	Federated Farmers of New Zealand	Accept in part	5.15
FS1132.7	179.22	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.70	805.93	Federated Farmers of New Zealand	Accept in part	5.15
FS1137.37	615.36	Kay Curtis	Reject	2.1
FS1137.38	615.37	Kay Curtis	Accept in part	5.21
FS1137.39	615.38	Kay Curtis	Accept in part	5.18
FS1137.40	615.39	Kay Curtis	Reject	5.18
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1157.48	238.117	Trojan Helmet Ltd	Reject	2.3
FS1157.49	238.118	Trojan Helmet Ltd	Accept in part	2.3
FS1157.50	238.119	Trojan Helmet Ltd	Accept in part	3.8
FS1159.5	805.69	PowerNet Ltd	Reject	2.3
FS1159.6	805.73	PowerNet Ltd	Accept in part	3.5
FS1159.7	600.110	PowerNet Ltd	Accept	3.6
FS1160.24	719.170	Otago Regional Council	Accept in part	3.7
FS1186.1	251.11	Contact Energy Limited	Accept	2.3
FS1186.10	719.150	Contact Energy Limited	Accept in part	3.6
FS1186.11	805.70	Contact Energy Limited	Accept	2.3
FS1186.12	805.72	Contact Energy Limited	Reject	3.5
FS1186.13	805.73	Contact Energy Limited	Reject	3.5
FS1186.14	805.74	Contact Energy Limited	Accept in part	3.6
FS1186.15	805.75	Contact Energy Limited	Accept in part	3.6
FS1186.16	805.76	Contact Energy Limited	Reject	3.6
FS1186.17	805.78	Contact Energy Limited	Reject	3.6
FS1186.18	805.80	Contact Energy Limited	Reject	3.7
FS1186.19	805.81	Contact Energy Limited	Accept in part	3.7
FS1186.2	251.12	Contact Energy Limited	Reject	3.5
FS1186.3	251.13	Contact Energy Limited	Accept in part	3.6
FS1186.4	251.16	Contact Energy Limited	Accept in part	3.6
FS1186.5	251.17	Contact Energy Limited	Accept in part	3.7
FS1186.6	251.18	Contact Energy Limited	Accept	3.7
FS1186.8	719.147	Contact Energy Limited	Accept in part	2.3
FS1186.9	719.148	Contact Energy Limited	Reject	3.4
FS1208.11	805.93	Vodafone New Zealand Limited	Accept in part	5.15

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1208.2	292.7	Vodafone New Zealand Limited	Accept	3.7
FS1208.3	292.8	Vodafone New Zealand Limited	Accept	3.7
FS1208.4	383.64	Vodafone New Zealand Limited	Reject	5
FS1209.108	600.108	Richard Burdon	Accept in part	3.6
FS1209.109	600.109	Richard Burdon	Reject	3.6
FS1209.110	600.110	Richard Burdon	Reject	3.6
FS1209.111	600.111	Richard Burdon	Accept	4.2
FS1209.112	600.112	Richard Burdon	Accept in part	5.15
FS1209.113	600.113	Richard Burdon	Accept in part	5.15
FS1211.10	649.8	New Zealand Defence Force	Accept	15.2
FS1211.11	649.9	New Zealand Defence Force	Accept	16.1
FS1211.32	805.70	New Zealand Defence Force	Reject	2.3
FS1211.6	433.110	New Zealand Defence Force	Accept in part	13.3
FS1211.7	649.7	New Zealand Defence Force	Accept in part	14.1
FS1211.8	717.19	New Zealand Defence Force	Accept in part	14.1
FS1211.9	717.20	New Zealand Defence Force	Reject	14.1
FS1219.69	632.68	Bravo Trustee Company	Reject	17.3
FS1226.122	238.117	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	2.3
FS1226.123	238.118	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.124	238.119	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.8
FS1226.16	238.11	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1234.122	238.117	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	2.3
FS1234.123	238.118	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.124	238.119	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.8
FS1234.16	238.11	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1239.122	238.117	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	2.3
FS1239.123	238.118	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.124	238.119	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.8
FS1239.16	238.11	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.122	238.117	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	2.3
FS1241.123	238.118	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.124	238.119	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.8
FS1241.16	238.11	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1242.145	238.117	Antony & Ruth Stokes	Reject	2.3
FS1242.146	238.118	Antony & Ruth Stokes	Accept in part	2.3
FS1242.147	238.119	Antony & Ruth Stokes	Accept in part	3.8
FS1242.39	238.11	Antony & Ruth Stokes	Accept in part	2.3
FS1245.14	475.1	Totally Tourism Limited	Accept	17.7
FS1245.15	475.2	Totally Tourism Limited	Accept	17.7
FS1245.16	243.20	Totally Tourism Limited	Accept	17.7
FS1245.18	310.7	Totally Tourism Limited	Accept in part	17.10
FS1248.122	238.117	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	2.3
FS1248.123	238.118	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.124	238.119	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.8
FS1248.16	238.11	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1249.122	238.117	Tweed Development Limited	Reject	2.3
FS1249.123	238.118	Tweed Development Limited	Accept in part	2.3
FS1249.124	238.119	Tweed Development Limited	Accept in part	3.8
FS1249.16	238.11	Tweed Development Limited	Accept in part	2.3
FS1252.69	632.68	Tim & Paula Williams	Reject	17.3
FS1253.11	805.93	Spark New Zealand Trading Limited	Accept in part	5.15
FS1253.2	292.7	Spark New Zealand Trading Limited	Accept	3.7
FS1253.3	292.8	Spark New Zealand Trading Limited	Accept	3.7
FS1253.4	383.64	Spark New Zealand Trading Limited	Reject	5
FS1254.2	373.17	Allenby Farms Limited	Accept in part	3.3
FS1270.125	717.19	Hansen Family Partnership	Accept in part	14.1
FS1270.126	717.20	Hansen Family Partnership	Reject	14.1
FS1270.127	717.21	Hansen Family Partnership	Reject	15.2
FS1270.24	847.18	Hansen Family Partnership	Accept in part	14.1
FS1270.25	847.19	Hansen Family Partnership	Reject	14.1
FS1270.26	847.20	Hansen Family Partnership	Reject	15.2
FS1275.242	632.68	"Jacks Point" (Submitter number 762 and 856)	Reject	17.3

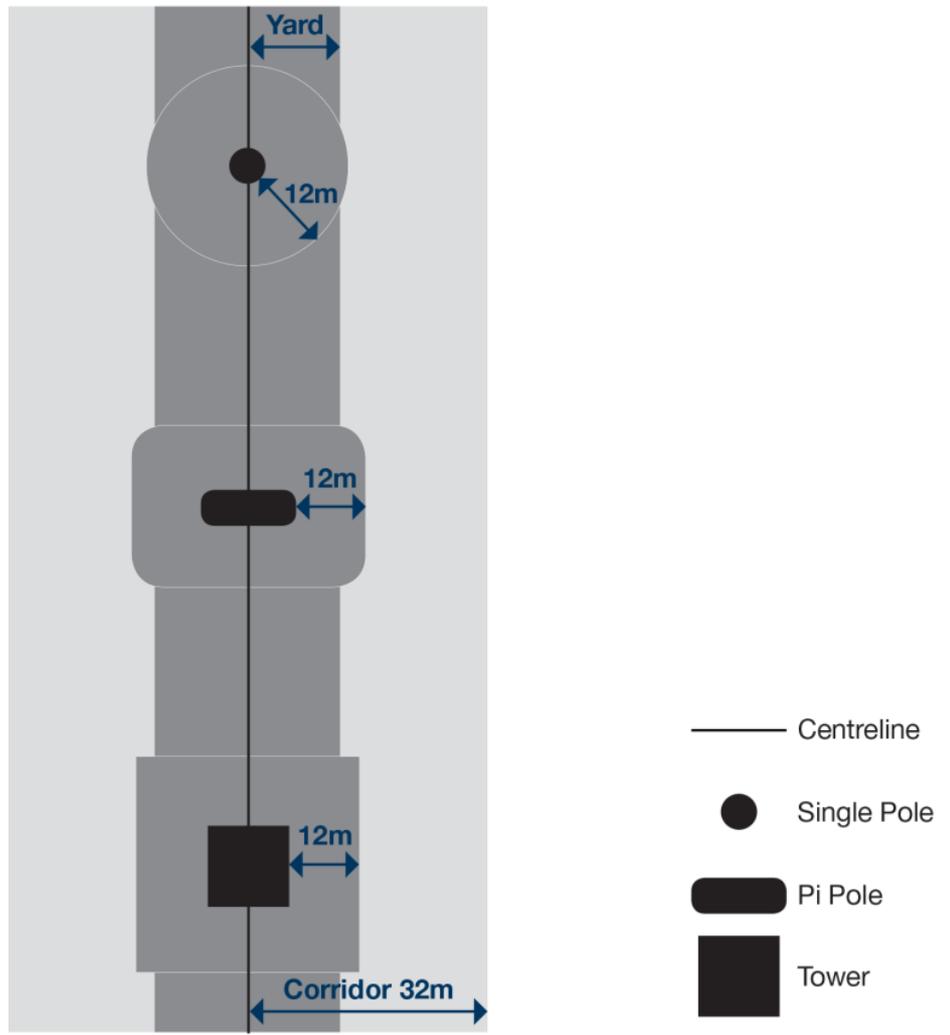
Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1277.72	632.68	Jacks Point Residents and Owners Association	Reject	17.3
FS1283.182	632.68	MJ and RB Williams and Brabant	Reject	17.3
FS1294.1	615.37	Shotover Country Limited	Reject	5.21
FS1301.13	635.51	Transpower New Zealand Limited (Transpower)	Accept in part	3.6
FS1301.14	635.61	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.15	635.71	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.16	635.70	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.17	179.28	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.18	191.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.19	781.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1316.135	762.8	Harris-Wingrove Trust	Accept in part	17.3
FS1316.136	762.9	Harris-Wingrove Trust	Accept in part	17.3
FS1316.68	632.68	Harris-Wingrove Trust	Reject	17.3
FS1340.49	383.72	Queenstown Airport Corporation	Reject	17.10
FS1341.22	806.205	Real Journeys Limited	Accept in part	5.21
FS1342.10	781.28	Te Anau Developments Limited	Reject	5.25
FS1342.11	781.27	Te Anau Developments Limited	Reject	5.24
FS1342.13	806.205	Te Anau Developments Limited	Accept in part	5.21
FS1342.26	373.17	Te Anau Developments Limited	Accept in part	3.3
FS1342.9	781.14	Te Anau Developments Limited	Accept in part	2.1
FS1345.47	433.116	Skydive Queenstown Limited	Accept	17.8
FS1352.19	72.6	Kawarau Village Holdings Limited	Accept	5.3
FS1356.61	519.61	Cabo Limited	Accept	3.7
FS1356.7	519.7	Cabo Limited	Accept	12.3

Appendix 5: Recommendations to Stream 10 Panel on Definitions

<p>Electricity Distribution</p>	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
<p>Energy Activities</p>	<p>means the following activities:</p> <ul style="list-style-type: none"> a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating; b. Renewable Electricity Generation; c. Non-renewable Electricity Generation; d. Wind Electricity Generation; e. Solar Electricity Generation; f. Solar Water Heating; g. Stand-Alone Power Systems (SAPS); h. Biomass Electricity Generation; i. Hydro Generation Activity; j. Mini and Micro Hydro Electricity Generation.
<p>Minor Upgrading (For the purposes of Chapter 30 only)</p>	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale-and includes the following:</p> <ul style="list-style-type: none"> a. addition of lines, circuits and conductors; b. reconducting of the line with higher capacity conductors; c. re-sagging of conductors; d. bonding of conductors; e. addition or replacement of longer or more efficient insulators; f. addition of electrical fittings or ancillary telecommunications equipment; g. addition of earth-wires which may contain lightning rods, and earth-peaks; h. support structure replacement within the same location as the support structure that is to be replaced; i. addition or replacement of existing cross-arms with cross-arms of an alternative design; j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced; k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;

	<p>l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.</p>
National Grid	Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
National Grid Sensitive Activities	<p>Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none"> a. Day Care facility; b. Educational facility; c. Healthcare facility; d. Papakainga; e. Any residential activity; or f. Visitor accommodation.

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



Notional boundary	means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.
Relocated/Relocatable Building	means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting
Relocation	In relation to a building, means the removal of any building from any site to another site.
Removal of a Building	means the shifting of a building off a site.
Re-siting of a Building	means shifting a building within a site.
Small Cell Unit	means a device:

	<ul style="list-style-type: none"> a. that receives or transmits radiocommunication or telecommunication signals; and b. the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m³.
Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and are outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none"> a. temporary events b. temporary filming c. temporary activities related to building and construction d. temporary military training e. temporary storage f. temporary utilities g. temporary use of a site as an informal airport as part of a temporary event
Temporary Events	<p>Insert following note:</p> <p style="padding-left: 40px;">Note - The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> a. Food and Beverage b. Sale of Alcohol
Temporary Military Training Activity (TMTA)	<p>Means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.</p>
Utility	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities); g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.

	<ul style="list-style-type: none">i. structures, facilities, plant and equipment necessary for navigation by water or air;j. waste management facilities;k. flood protection works; andl. Anything described as a network utility operation in s166 of the Resource Management act 1991m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.
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Appendix 6: Recommendations on Submission to Stream 10 Panel

Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
179.3	Vodafone NZ	Reject	6.2
179.4	Vodafone NZ	Accept	6.1
179.5	Vodafone NZ	Accept in part	5.14
179.6	Vodafone NZ	Reject	6.3
179.7	Vodafone NZ	Reject	6.4
191.2	Spark Trading NZ Limited	Reject	6.2
191.3	Spark Trading NZ Limited	Accept	6.1
191.4	Spark Trading NZ Limited	Accept in part	5.14
191.5	Spark Trading NZ Limited	Reject	6.3
191.6	Spark Trading NZ Limited	Reject	6.4
243.40	Christine Byrch	Reject	18.2
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.32	PowerNet Limited	Accept in part	5.14
383.2	Queenstown Lakes District Council	Accept	6.5
383.4	Queenstown Lakes District Council	Accept	6.4
383.6	Queenstown Lakes District Council	Accept	5.15
421.2	Two Degrees Mobile Limited	Reject	6.2
421.3	Two Degrees Mobile Limited	Accept	6.1
421.4	Two Degrees Mobile Limited	Accept in part	5.14
421.5	Two Degrees Mobile Limited	Reject	6.3
421.6	Two Degrees Mobile Limited	Reject	6.4
433.33	Queenstown Airport Corporation	Reject	12.3
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
607.44	Te Anau Developments Limited	Reject	12.3
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
635.1	Aurora Energy Limited	Reject	2.2
635.2	Aurora Energy Limited	Accept	6.1
635.3	Aurora Energy Limited	Accept in part	6.1
635.4	Aurora Energy Limited	Reject	6.1
635.5	Aurora Energy Limited	Accept in part	5.14
635.6	Aurora Energy Limited	Accept in part	6.7
635.7	Aurora Energy Limited	Reject	6.8
635.8	Aurora Energy Limited	Accept in part	12.3
635.9	Aurora Energy Limited	Accept in part	6.2
649.20	Southern District Health Board	Accept	18.3
719.3	NZ Transport Agency	Reject	6.4
781.3	Chorus New Zealand Limited	Reject	6.2
781.4	Chorus New Zealand Limited	Accept	6.1

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
781.5	Chorus New Zealand Limited	Accept in part	5.14
781.6	Chorus New Zealand Limited	Reject	6.3
781.7	Chorus New Zealand Limited	Reject	6.4
805.11	Transpower New Zealand Limited	Accept in part	6.2
805.12	Transpower New Zealand Limited	Accept	5.15
805.13	Transpower New Zealand Limited	Accept	5.15
805.14	Transpower New Zealand Limited	Accept	5.15
805.15	Transpower New Zealand Limited	Accept	5.15
805.16	Transpower New Zealand Limited	Accept in part	6.7
805.17	Transpower New Zealand Limited	Reject	6.9
805.18	Transpower New Zealand Limited	Reject	5.15
805.19	Transpower New Zealand Limited	Accept in part	5.15
805.20	Transpower New Zealand Limited	Accept	6.1
805.21	Transpower New Zealand Limited	Accept in part	6.2
805.4	Transpower New Zealand Limited	Accept	6.1
805.5	Transpower New Zealand Limited	Reject	5.15
805.6	Transpower New Zealand Limited	Reject	5.15
805.7	Transpower New Zealand Limited	Reject	5.15
836.9	Arcadian Triangle Limited	Accept in part	5.15
1365.1	New Zealand Defence Force	Accept in part	12.3

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1015.43	519.7	Straterra	Reject	12.3
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	6.9
FS1097.279	421.2	Queenstown Park Limited	Accept	6.2
FS1097.51	179.3	Queenstown Park Limited	Reject	6.2
FS1097.58	191.2	Queenstown Park Limited	Reject	6.2
FS1097.59	191.4	Queenstown Park Limited	Accept	5.14
FS1097.60	191.6	Queenstown Park Limited	Reject	6.4
FS1097.640	635.6	Queenstown Park Limited	Reject	6.7
FS1097.693	719.3	Queenstown Park Limited	Reject	6.4
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	6.7
FS1117.55	421.2	Remarkables Park Limited	Accept	6.2
FS1121.1	179.5	Aurora Energy Limited	Accept in part	5.14
FS1121.2	191.4	Aurora Energy Limited	Accept in part	5.14

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1121.3	781.5	Aurora Energy Limited	Accept in part	5.14
FS1121.5	191.6	Aurora Energy Limited	Reject	6.4
FS1121.6	805.16	Aurora Energy Limited	Accept in part	6.7
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	5.14
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	6.4
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	2.2
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	6.1
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	6.1
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	5.14
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	6.7
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	6.8
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	5.14
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	6.4
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1159.1	805.16	PowerNet Ltd	Accept in part	6.7
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	6.7
FS1211.14	635.6	New Zealand Defence Force	Accept in part	6.7
FS1211.19	805.16	New Zealand Defence Force	Accept in part	6.7
FS1211.20	805.17	New Zealand Defence Force	Reject	6.9
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	6.7
FS1255.17	179.3	Arcadian Triangle Limited	Accept	6.2
FS1255.18	191.2	Arcadian Triangle Limited	Accept	6.2
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	5.14
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	6.2

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	6.8
FS1340.1	243.40	Queenstown Airport Corporation	Accept	18.2
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	6.7
FS1342.6	781.6	Te Anau Developments Limited	Reject	6.3
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	5.14
FS1342.8	781.7	Te Anau Developments Limited	Reject	6.4
FS1356.7	519.7	Cabo Limited	Accept	12.3

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 14

Report and Recommendations of Independent Commissioners Regarding Whole
of Plan, Chapter 2 (Definitions) and Chapter 28 (Natural Hazards)

Commissioners

Denis Nugent (Chair)

Trevor Robinson

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PART A: INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it stood prior to 19 April 2017
Council	Queenstown Lakes District Council
Clause 16(2)	clause 16(2) of the First Schedule to the Act
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NZTA	New Zealand Transport Authority
ODP	the Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	the Proposed Regional Policy Statement for the Otago Region as modified by decisions on submissions and dated 1 October 2016
Proposed RPS (notified)	the Proposed Regional Policy Statement for the Otago Region dated 23 May 2015
QAC	Queenstown Airport Corporation
RPS	the Operative Regional Policy Statement for the Otago Region dated October 1998
UCES	Upper Clutha Environmental Society
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017

1.2. Topics Considered:

2. There were three topics of this hearing:

- a. Whole of Plan submissions;
- b. Chapter 2 (Definitions);
- c. Chapter 28 (Natural Hazards).

3. The hearing of these matters collectively comprised Hearing Stream 10.

4. Whole of Plan submissions were classified as such by reason of the fact that they did not relate to a specific part or parts of the PDP. In effect, this was the opportunity for submissions that did not fall neatly into any one of the previous hearing streams to be heard.
5. Chapter 2 of the PDP sets out definitions of terms used in the PDP. Some 256 separate terms are defined in Chapter 2.
6. Chapter 28 is the Chapter of the PDP related to natural hazards. It has five subheadings:
 - a. 28.1 – Purpose;
 - b. 28.1 – Natural hazard Identification;
 - c. 28.3 – Objectives and policies;
 - d. 28.4 – Other relevant provisions;
 - e. 28.5 – Information requirements.

1.3. Hearing Arrangements:

7. The hearing of Stream 10 took place over four days. The Hearing Panel sat in Queenstown on 14-16 March 2017 inclusive and in Wanaka on 17 March 2017.
8. The parties we heard on Stream 10 were:

Council:

- Sarah Scott (Counsel)
- Amy Bowbyes
- Amanda Leith
- Craig Barr

Federated Farmers of New Zealand¹:

- Phil Hunt

Bunnings Limited²:

- Daniel Minhinnick (Counsel)
- Elizabeth Davidson
- Tim Heath
- Kay Panther Knight

Cardrona Station Limited³, Ayrburn Farm Estate Limited⁴ and Arcadian Triangle Limited⁵:

- Warwick Goldsmith (Counsel)

Real Journeys Limited⁶ and Te Anau Developments Limited⁷:

- Fiona Black

Otago Regional Council⁸:

1 Submission 600/Further Submission 1132
 2 Submission 746
 3 Submission 407
 4 Submission 430
 5 Submission 836/Further submission 1255
 6 Submission 621/Further submission 1341
 7 Submission 607/Further submission 1342
 8 Submission 798

- Ralph Henderson

Remarkables Park Limited⁹ and Queenstown Park Limited¹⁰:

- Tim Williams

Pounamu Holdings 2014 Limited¹¹:

- Scott Freeman

- Niki Gladding¹²

- Leigh Overton¹³

UCES¹⁴:

- Julian Haworth

9. We also received written material from the following parties who did not appear:
- Chorus New Zealand Limited¹⁵, Spark New Zealand Trading Limited¹⁶ and Vodafone New Zealand Limited¹⁷ (a representation penned by Matthew McCallum-Clark).
 - QAC¹⁸ (a statement of evidence of Kirsty O’Sullivan).
 - Ministry of Education¹⁹ (a statement of evidence of Julie McMinn).
 - Southern District Health Board²⁰ (a statement of evidence of Julie McMinn).
 - Aurora Energy Limited²¹ (a memorandum of Bridget Irving (Counsel)).
 - Transpower New Zealand²² (a representation penned by Jess Bould).
 - New Zealand Police²³ (a letter from Michael O’Flaherty (counsel)).
 - New Zealand Transport Agency²⁴ (a letter from Tony MacColl).
 - Z Energy Limited, BP Oil Company Limited and Mobil Oil Company Limited²⁵ (statement by Mark Laurenson).
10. In addition, we received additional written material from parties who did appear:
- Mr Young provided written submissions on behalf of Queenstown Park Limited and Remarkables Park Limited, but did not appear at the hearing.
 - Ms Black provided further comments to the Hearing Panel on definitions on behalf of Real Journeys Limited and Te Anau Developments Limited.

⁹ Submission 806
¹⁰ Submission 807
¹¹ Submission 552
¹² Further Submission 1170
¹³ Submission 465
¹⁴ Submission 145 and Further Submission 1034
¹⁵ Submission 781
¹⁶ Submission 191
¹⁷ Submission 197
¹⁸ Submission 433/Further Submission 1340
¹⁹ Submission 524
²⁰ Submission 678
²¹ Submission 635
²² Submission 805/Further Submission 1301
²³ Submission 57
²⁴ Submission 719
²⁵ Collectively Submission 768 and Further Submission 1182

- c. A Memorandum of Counsel (Mr Minhinnick) on behalf of Bunnings Limited dated 17 March 2017.

1.4. Procedural Issues:

- 11. The hearing proceeded in accordance with the procedural directions applying to the PDP hearings generally, summarised in Report 1. The only material variation from those directions was the number of parties (summarised above) who sought leave to table evidence and/or representations in lieu of appearance and in the filing of additional material for Real Journeys/Te Anau Developments Limited and for Bunnings Limited summarised above, providing further information following their respective appearances.
- 12. We also note that, following a discussion during presentation of the Council case, counsel advised in her submissions in reply that in a limited number of cases, Ms Leith had recommended changes to definitions considered in previous hearings, but the submitters at those earlier hearings had not received notice of the Stream 10 hearing. Counsel considered this could raise natural justice issues. We agreed with that view and consequently directed that the submitters in this category should have the opportunity to make written submissions on Ms Leith's recommendations²⁶. No party took up that opportunity.
- 13. The Stage 2 Variations were notified on 23 November 2018. They include changes- both deletions and amendments - to a number of the definitions in Chapter 2.
- 14. Clause 16B(1) of the First Schedule to the Act provides that submissions on any provision the subject of variation are automatically carried over to hearing of the variation.
- 15. Accordingly, for those Chapter 2 definitions the subject of the Stage 2 Variations, we have 'greyed out' the relevant definition/ part definition (as notified) in the revised version of Chapter 2 attached as Appendix 1 to this Report, in order to indicate that those definitions did not fall within our jurisdiction.

1.5. Statutory Considerations:

- 16. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP should be considered, including matters that have to be taken into account, and the weight to be given to those matters.
- 17. The nature of the matters raised in submissions on the Whole of Plan sector of the hearing, and on Definitions means that the statutory considerations noted in Report 1 are of limited relevance or assistance to us. We have nevertheless had regard to those matters as relevant. The statutory considerations come much more clearly into focus in relation to Chapter 28 (Natural Hazards) and we will discuss those matters in greater detail in that context.
- 18. Related to the above, as is the case for previous reports, we have not undertaken a separate section 32AA analysis of the changes to the PDP recommended in this report. Rather, our reasons for our recommendations in terms of the statutory tests contained in section 32 are incorporated in this report.

²⁶ Refer the Chair's Memorandum dated 7 August 2017

PART B: WHOLE OF PLAN:

2. PRELIMINARY

19. Mr Barr's Section 42A Report discussed the whole of plan submissions under 8 issues, as follows:
- a. Issue 1 – The PDP does not accord with the requirements of the RMA;
 - b. Issue 2 – Staged review;
 - c. Issue 3 – Reduction of prescription and use of an effects based approach
 - d. Issue 4 - Extent of discretion;
 - e. Issue 5 - "Appropriately qualified or experienced" expert reports;
 - f. Issue 6 – Default activity status for unlisted activities;
 - g. Issue 7 – Avoidance of conflicts between water based activities and surrounding activities; and
 - h. Issue 8 – Cost of infrastructure to council.
20. We will follow the same format.
21. Mr Barr also noted a number of submissions as either being out of scope or already addressed in another hearing stream. We accept Mr Barr' recommendations on these submissions in the absence of any conflicting evidence, and do not address those submissions further. Mr Barr also noted that errors or minor issues identified in the PDP²⁷ had already been addressed under Clause 16(2), meaning no recommendation was required from us.
22. In one case, Mr Barr provided his reasoning in the schedule of submitters. This is in relation to submissions²⁸ seeking a policy that established wilding exotic trees be removed as a condition of consent for subdivision, use or development of land in residential or rural living zones. Mr Barr recommended rejection of that submission on the basis that the trees might already be the subject of resource consent or existing use rights, and that subdivision does not always confer development rights. These are all valid reasons, but more importantly to our mind, the submitter provided no evidence of the cost of such action, that might be weighed against the benefits. We recommend the submission be rejected.
23. At this high level, a number of submissions categorised as 'whole of plan' submissions were catchall submissions, seeking to make it clear that they sought consequential or alternative relief, as required, without identifying what that consequential or alternative relief might be. Such submissions are routinely made by submitters in First Schedule processes out of an abundance of caution. We do not regard it as necessary to explicitly seek consequential or alternative relief to the same effect. The Hearing Panel has treated primary submissions as not being restricted to the precise relief sought. We therefore do not categorise these catchall submissions as in fact asking for any particular relief, and on that basis, we recommend they be rejected.
24. In the case of both consequential and alternative relief, while we recommend rejection of the submission on a 'whole or plan' basis, that is without prejudice to the recommendations other Hearing Panels have made in the context of particular parts of the PDP.

²⁷ By Council submission (383) and that of NZTA 719)

²⁸ Submissions 177 and 514 (D Fea)

25. Lastly, a number of submissions noted in the submission schedules were not valid submissions, because they sought no relief (or no clear relief) in terms of changes to the PDP (or retention of its existing provisions). We have made no recommendation in respect of such ‘submissions’.

3. WHOLE OF PLAN ISSUES

3.1. Accordance with the requirements of the RMA:

26. The submissions Mr Barr addressed under this heading²⁹ were generally expressed complaints about the inadequacy of the PDP with reference to Section 5 of the Act, Part 2 of the Act and Section 32 of the Act. None of the submitters in question appeared before us to explain why the PDP was flawed in the relevant respect.
27. Mr Barr noted a number of other submissions³⁰ seeking that the PDP be put on hold (or withdrawn and renotified) until a proper/further Section 32 analyses had been undertaken. Many of the submissions were focused on particular aspects of the PDP but, again, other than UCES, none of submitters in question sought to explain to us why they held this view. As Mr Barr noted, the more specific relief has in each case been addressed in other hearings.
28. In Report 7³¹, we discuss the fact that a submission criticising the section 32 analysis needs to be accompanied by a request for a change to the PDP to be of any value – as we have no jurisdiction over the section 32 analysis the Council has undertaken, only over the PDP itself.
29. We agree with Mr Barr’s comment that viewed on their own, without regard to the more specific relief sought by submitters, these general submissions are problematic because of the difficulty potentially interested parties would have in identifying, still less responding, to the relief as sought.
30. To the extent that the submitters were specific, through seeking deletion of whole chapters of the PDP, we would have required cogent evidence and analysis before concluding that was warranted.
31. In the event, the only submitter to appear and argue for such wide-ranging relief was UCES. We will address that submission later, in a separate section.
32. To the extent, however, that other submissions sought relief on the basis generally that the PDP did not accord with the requirements of the RMA, we do not find those submissions to have been made out at the higher level at which the submissions were pitched.
33. There are of course many aspects of the PDP where the respective Hearing Panel has concluded that more specific submissions on the flaws of the PDP have some merit, but those points have been addressed in those other reports.

²⁹ He instanced Submissions 414, 670, 715 and 811: Supported by FS1097, FS1145 and FS1255; Opposed by FS1071, FS1073, FS1103, FS1108, FS1114, FS1116, FS1192, FS1218, FS1219, FS1224, FS1225, FS1237, FS1247, FS1250, FS1252, FS1277, FS1283, FS1292, FS1293, FS1299, FS1316 and FS1321

³⁰ Submissions 145, 338, 361, 414, and 850; Supported by FS1097, FS1118, FS1229, FS1255 and FS1270; Opposed by FS1071, FS1097, FS1114, FS1155, FS1162, FS1289 and FS1347

³¹ By the Council submission (383) and that of NZTA (719)

3.2. Staged Review

34. Under this heading, Mr Barr noted submissions³² opposing the staged review process being undertaken in respect of the PDP. The submitters sought variously that the entire District Plan be put on hold or rejected until the remaining chapters are included in the review and that it be withdrawn and renotified with a transport chapter.
35. While, as noted in other reports, the staged review process has introduced considerable complexity into the hearing process, we agree with Mr Barr's conclusion that these are not submissions on the PDP that we can properly entertain. Section 79 of the Act provides that Regional Policy Statements, Regional Plans and District Plans may be reviewed in whole or in part. The resolutions of Council determining what matters are reviewed is the exercise of a statutory discretion that would need to be challenged, if it is to be challenged at all, in either the High Court or (possibly) the Environment Court. Our role is to make recommendations on matters the Council has chosen to review (and not subsequently withdrawn pursuant to clause 8D of the First Schedule of the Act).
36. Accordingly, we do not have jurisdiction to consider the submissions in question. They must necessarily be rejected.
37. Mr Barr identifies a related submission on the part of Remarkables Park Limited³³ supporting the exclusion of the Remarkables Park Zone from the PDP and seeking that the PDP be amended to clarify the exclusion.
38. As Mr Barr notes, this submission has effectively been overtaken by the Council's resolution to withdraw the Remarkables Park Zone land from the PDP³⁴ (and thereby remove it from our jurisdiction). This has necessitated amendment to some Chapters of the Plan referring to that Zone. Those matters are addressed in other hearing reports.

3.3. Reduction of Prescription and Use of an Effects Based Approach

39. Mr Barr notes the submission of Remarkables Park Limited³⁵ in this regard. That submission seeks reduction of prescription and enabling of an effects-based assessment of activities. It also criticises the "*direct and control*" approach to tourism, commercial, residential and industrial activities.
40. The Hearing Panel's Report 3 discusses similar criticisms made of the "*strategic chapters*" and reference should be made to that report because, as Mr Barr noted in his Section 42A Report³⁶ the very nature of chapters providing strategic direction is that they might be expected to be more guiding and strategic in nature (i.e. directive) than first generation district plans, such as the ODP, many of which were further along the spectrum towards effects-based planning.
41. With that Hearing Panel having recommended that the strategic chapters be retained we think it follows inevitably that the PDP will be less effects-based than was the ODP. We discussed this point with Mr Barr who agreed that while the ODP was a hybrid, it sat more at the effects-based end, of the spectrum whereas the PDP was more at the "*command and control*" end,

³² Submissions 249 and 414: Supported by FS1097 and FS1255; Opposed by FS1071, FS1090 and FS1136

³³ Submission 807

³⁴ Refer Council Resolutions of 29 September 2016 and 25 May 2017

³⁵ Submission 807

³⁶ At paragraph 8.2

but in his view, only to a point. He drew our attention, in particular, to the general policy approach as enabling effects-based assessment, albeit with exceptions.

42. We agree also with that characterisation.
43. Looked at more broadly, we consider that the general approach in a District Plan needs to take account of the characteristics of the district and the issues that it faces. The Hearing Panel on Chapters 3-4 and 6 concluded that the issues that Queenstown Lakes District is facing require a greater degree of direction to assist achievement of the purpose of the Act than was perhaps the case in the second half of the 1990s, when the ODP was being framed³⁷. We agree with that conclusion at the high level at which the submission is pitched. That is not to say that a case cannot be made for specific provisions to be more effects-based, but that needs to be determined on a case by case basis (and has been in earlier hearing reports).
44. Accordingly, we recommend that Submission 807 be rejected at this higher level.

3.4. Extent of Discretion:

45. Under this heading, Mr Barr drew our attention to Submissions 243³⁸ and 811³⁹ that suggest that too much within the PDP, in the submitters view, is discretionary, providing too little certainty for the community.
46. There is a certain irony given that the criticism in these submissions is, in effect, the inverse of the point raised in Submission 807 addressed under the immediately preceding heading. A plan that is at the “*command and control*” end of the spectrum has very little discretion and considerable certainty. It also has a corresponding lack of flexibility.
47. An effects-based plan has considerable flexibility (at least as to the nature of the activities that can be established) and usually, considerable discretion.
48. As noted in the previous section of this Report, the PDP lies more at the command and control end of the spectrum than the ODP, but not entirely so. We regard this as a positive feature. We do not support an extreme position providing complete certainty, and we do not think it is the most appropriate way, at a very general level, to assist achievement of the purpose of the Act.
49. As with the previous section, we note, that there are elements of the Plan that might be able to be criticised as providing too great an ambit of discretion, but the issue needs to be considered at that more specific level (as has occurred under earlier hearing reports). Accordingly, we recommend that Submissions 243 and 811 be rejected on this point.

3.5. Appropriately qualified or experienced Expert Reports:

50. Under this heading, Mr Barr notes four submissions⁴⁰ requesting deletion of provisions in the PDP that require a report from “*an appropriately qualified and experienced*” person, or alternatively clarification as to what that entails.
51. Mr Barr identified that the PDP referred to “*qualified*” persons, “*qualified and experienced*” persons, “*suitably qualified*” persons “*suitably qualified and experienced*” persons and

³⁷ Refer Report 3 at Section 1.9

³⁸ Supported by FS1117; Opposed by FS1224

³⁹ Opposed by FS1224

⁴⁰ Submissions 607, 615, 621 and 624: Supported by FS1105, FS1137 and FS1160

“appropriately qualified” persons, at various points. We should note in passing that we do not regard the difference between *“suitably”* and *“appropriately”* as being material in this context. Usually, these adjectives were used in conjunction with a specified discipline. Mr Barr observed that in earlier reports, the respective Staff Reporting Officer had recommended that reference to experience be deleted in each case with one exception (in Chapter 32). Mr Barr recommended that for consistency, reference to experience should be deleted in all cases.

52. None of the submitters on the point sought to amplify their submissions in evidence before us.
 53. We discussed with Mr Barr whether, notwithstanding his recommendation, experience might continue to be a relevant factor and best be judged by some arbitrary nominated period of years following qualification, as is the case, for instance, for some roles requiring experience in legal practice⁴¹. Mr Barr did not favour that option and he amplified his views in reply. He suggested that any nominated period of years would be inherently arbitrary and that operating for a nominated period of years in a certain field does not always carry with it either proficiency or expertise in that field.
 54. The point remains live because the provisions of the PDP recommended by the Hearing Panel continue to make reference to experience in particular fields as being both relevant and required⁴². We also consider that in many fields, experience allied to formal qualifications is desirable. Indeed, in some fields, experience is a relevant qualification, either on its own, or allied to some formal qualification. We accept Mr Barr’s point that experience is not synonymous with skill, but as Mr Barr also observed in his reply evidence, generally, some experience is better than none.
 55. It follows that we do not agree with those submissions seeking that as a general rule, reference to experience should be deleted, but we agree that it would be helpful if the PDP provided greater clarity as to how much experience is sufficient. Although arbitrary, specifying experience in terms of a nominated period of years is the only objective way to capture what is required. The difficulty, however, is that no one period of years would be adequate in all contexts. What is appropriate for an arborist (in the context of Chapter 32) is probably not appropriate for an archaeologist (in the context of Chapter 26).
 56. Accordingly, rather than attempt to provide an overall solution, we consider that the best approach is for the Hearing Panels recommending text referring to appropriately/suitably experienced persons in particular fields to identify where possible, the nature and extent of experience sufficient to qualify a person in that particular field.
- 3.6. Default activity status for unlisted activities:**
57. This issue was raised in a submission by Arcadian Triangle Limited⁴³ seeking that in relation to non-complying activity status applied to unlisted activities in many zones, the default consent status for any activity not otherwise specified or listed be *“permitted”*, as is the case under the ODP.
 58. Mr Barr noted that while, in some zones (most obviously the residential and rural zones) the default activity status is *“non-complying”*, in other zones such as the business zones⁴⁴,

⁴¹ See for instance Section 15 of the District Court Act 2016

⁴² See e.g. recommended Chapter 26 at section 26.2.1

⁴³ Submission 836: Supported by FS1097, FS1341 and FS1342

⁴⁴ Chapters 12-17

activities not listed are “permitted”. He was of the view that, where the PDP had made the default activity status non-complying, this was appropriate and should not be reversed as a matter of general principle.

59. When Mr Barr appeared before us, we sought to test the extent to which the permitted activity default status in the ODP in fact governs the situation. Mr Barr’s advice was that permitted activity status seldom applied in either the Rural General or the urban zones in practice, and that the permitted activity default was therefore potentially illusory. When Counsel for Arcadian Triangle Limited (Mr Goldsmith) appeared before us, he agreed with Mr Barr’s assessment that the ODP permitted activity default would seldom apply in practice, but said that the PDP had solved that problem (by deleting the ‘nature and scale’ standard that most activities triggered). Mr Goldsmith argued that the non-complying default status in many chapters of the PDP was unduly restrictive. He relied, in particular, on the presumption in section 9 of the Act that a land use activity can be undertaken unless constrained by a relevant rule in a District Plan. Mr Goldsmith also pointed to what he argued were anomalies in the default activity status between the Jack’s Point and Millbrook Zones (where activities not listed in the PDP are permitted) and the Waterfall Park Zone (where the default activity status is non-complying).
60. Mr Goldsmith also argued that non-complying activity status should not be afforded to activities that are not known, because there has been no section 32 evaluation that justifies non-complying status for such activities.
61. Although not resiling from his argument that the default activity status should be “permitted”, Mr Goldsmith contended in the alternative that if the default were anything other than permitted, it should be “discretionary”, as that would enable a full assessment, but not create a precedent.
62. In his reply evidence, Mr Barr discussed Mr Goldsmith’s reasoning and concluded that where the PDP had identified the activity status for unspecified activities as being non-complying, that was appropriate.
63. We agree with Mr Barr’s reasoning. As the PDP demonstrates, it is not appropriate to determine at a high level what the default activity status should be for unlisted activities. The activity status adopted has to be the most appropriate way to achieve the objectives applying to each zone.
64. We also do not accept the arguments presented by Mr Goldsmith as to why non-complying status is necessarily an inappropriate default status given the way in which the PDP has been structured. As already discussed, the PDP is deliberately more directive and less effects-based than the ODP. It seeks to provide greater certainty by nominating the activity status of a range of different activities that are anticipated in the various zones provided in the PDP. The corollary of that approach is that if activities are not listed, they are generally not anticipated and not intended to occur in that zone. That does not mean that a case cannot be mounted for unlisted activities to occur in any zone (unless they are nominated as prohibited). But in our view, it is appropriate that they be subject to rigorous testing against the objectives and policies governing the relevant zone, to determine whether they are nonetheless appropriate. In some cases, discretionary activity status may be an appropriate framework for that testing to occur, but in our view, non-complying status would generally be the more appropriate activity status given the way the PDP has been structured.

65. Accordingly, we do not recommend acceptance of the Arcadian Triangle submission.
- 3.7. Avoidance of conflicts between water based activities and surrounding activities:**
66. Under this heading, Mr Barr referred us to a submission by Real Journeys Limited⁴⁵ seeking that a new policy be inserted into either the rural chapter or within a new water chapter to avoid surface water activities that conflicted with adjoining land uses, particularly those of key tourism activities.
67. Mr Barr referred us to the provisions of Chapter 21 bearing on the issue and to the evidence for Real Journeys heard in that hearing stream.
68. He referred, in particular, to the evidence of Real Journeys Limited emphasising the importance of the District's waterways for various purposes. In his view, it was inappropriate for the PDP to impose rules or to have a policy framework relating to the provision of water resources, this being a regional council function. More generally, Mr Barr was of the view that the breadth and location of the objectives, policies and rules for activities on the surface water are appropriate and he recommended that the additional policy sought by Real Journeys Limited should be rejected as not offering any additional value.
69. When Real Journeys Limited appeared before us, Ms Black did not give evidence on this aspect of Real Journeys' submissions. By contrast, the representative of Federated Farmers (Mr Hunt, appearing in lieu of Mr David Cooper) supported Mr Barr's recommendation, emphasising the water quality and quantity related policies in the regional plans of Otago Regional Council.
70. Hearing Panels in both Stream 1B and Stream 2 have considered the extent to which separate provision needs to be made for management of water resources and activities on the surface of the District waterways, making recommendations in that regard⁴⁶.
71. Given the absence of any evidence in support of the submission at this hearing, we do not find any need for a higher level approach across the whole of the Plan. We agree with Mr Barr's recommendation that while the Council has a role in the integrated management of land and water resources, we should properly take cognisance both of the role of and the policy framework established by Otago Regional Council for the management of water resources in relevant Regional Plans.
72. We likewise agree with Mr Barr that there is no basis for the policy sought in the Real Journey's submission.
- 3.8. Cost of Infrastructure to Council:**
73. Under this heading, Mr Barr referred us to the submission for Remarkables Park Limited⁴⁷ seeking that all references to the cost of infrastructure to Council be deleted on the basis that this is something that should be addressed under the Local Government Act 2002. Mr Barr advised us that his search of the notified text of the PDP and the provisions in the right of reply versions of each Chapter had identified only one reference to the cost of infrastructure to Council, that being in the context of notified objective 3.2.2.1.
74. The Hearing Panel for Chapter 3 has recommended⁴⁸ that the objectives of Chapter 3 be reformulated in a way that does not now refer directly to the cost of Council infrastructure.

⁴⁵ Submission 621

⁴⁶ Refer Report 3 at Section 8.8 and Report 4A at Section 3.4

⁴⁷ Submission 807

⁴⁸ Refer Report 3 at Section 2.5

We note also that the recommendations of the Stream 4 Hearing Panel considering Chapter 27 (Subdivision) have sought to emphasise that that levying of development contributions for infrastructure occurs under the Local Government Act 2002, in parallel with the operation of the PDP⁴⁹.

75. Accordingly, while we recommend this submission be accepted, we do not think any further amendment to the PDP is required to respond to it.

3.9. UCES – Plan Structure:

76. As already noted, UCES was the sole submitter that appeared before us in support of a submission seeking large scale restructuring of the PDP. UCES's submission⁵⁰ was that, with certain exceptions, the general approach and text of the ODP, particularly as it relates to activities in Rural Zones, should be retained. When Mr Haworth appeared in support of this submission, he presented a marked up version showing how, in the Society's view, the ODP and PDP should be melded together, thereby responding to the comment in Mr Barr's Section 42A Report that those submitters seeking very general relief created natural justice issues, because of the inability of others to understand the implications of what it is that they seek. The Society clearly spent considerable time on the appendix to Mr Haworth's pre-circulated evidence, but we are afraid that Mr Haworth rather missed the point Mr Barr was making. The fact that Mr Haworth appeared before us on the very last day of hearings on the text of the PDP rather tended to emphasise the fact that if the objective was to solve a natural justice problem, it would not assist potentially affected parties to learn exactly what the Society had in mind so late in the process. It needed to be clear when the Society's submission was lodged in 2015.
77. Considering UCES's submission on its merits, as Mr Haworth's submissions/evidence made clear, much of the Society's concerns turned on the role and content of the Strategic chapters of the PDP. The Stream 1B Hearing Panel has already considered the UCES argument on those points in considerable detail, concluding that suitably reframed, those Chapters form a valuable role in the structure of the PDP and should be retained⁵¹.
78. With the Stream 1B Hearing Panel having reached that conclusion, the die is effectively cast in terms of the overall structure of the PDP. As already noted, it is the existence and content of the Strategic Chapters that shifts the PDP more towards being a directive document than, as currently, the effects-based approach of the ODP.
79. In summary, Mr Haworth did not give us reason to doubt the wisdom of the recommendations of the Stream 1B Hearing Panel and if the Strategic Chapters are to remain substantially as proposed in the notified PDP, it is not consistent to approach the balance of the PDP in the overall manner in which UCES seeks.
80. That is not to say that there are not specific aspects of the PDP where the language and/or approach of the ODP might be adopted in addition to, or in substitution for, the existing text of the PDP, but such matters need to be addressed on a provision by provision basis, as they have been in previous Hearing Panel Reports.

⁴⁹ Refer Report 7 at Section 3.1

⁵⁰ Opposed by FS1090, FS1097, FS1162, FS1313 and FS1347

⁵¹ Refer Report 3 at Section 2

81. Accordingly, even if we had felt able to discount the natural justice issues Mr Barr identified, we would recommend rejection of the UCES submission on the point.
82. Before leaving the UCES submission, we should note that Mr Haworth also presented an argument based on the provisions of the Resource Legislation Amendment Bill 2015 related to public notification of subdivision applications. Mr Haworth argued that because the effect of the Amendment Bill, once passed, would be that any subdivision classified as a controlled, restricted discretionary or discretionary activity would be considered on a non-notified basis in the absence of special circumstances, all rural subdivisions should be made non-complying in the District Plan.
83. Mr Haworth's argument effectively repeated the argument that he had already presented in the Stream 4 (Subdivision) hearing.
84. The Stream 4 Hearing Panel has already considered Mr Haworth's argument in the light of the Bill subsequently having been enacted⁵² and made recommendations on the point⁵³.
85. Mr Haworth did not present any additional arguments that suggested to us that we should reconsider those recommendations.

3.10. Summary of Recommendations

86. The nature of the matters canvassed in this part of our report does not lend itself to ready summary. Suffice it to say, we do not recommend any material overall changes to the PDP for the reasons set out above. Our recommendations in relation to specific submissions are summarised in Appendix 3 to this report.

⁵² As the Resource Legislation Amendment Act 2017

⁵³ Refer Report 7 at Section 7

PART C: DEFINITIONS

4. NOTES TO DEFINITIONS:

87. As notified, Chapter 2 had the following notes:

“2.1.1 The following applies for interpreting amendments to text:

- ~~Strikethrough~~ means text to be removed.
- Underline means new text to be added.

2.1.2 The definitions that relate to Tangata Whenua that have been removed now sit within Chapter 5.

2.1.3 Any definition may also be amended in Stage 2 of the District Plan review.”

88. The Stream 1 Hearing Panel queried the strikethrough/underlining in Chapter 2 as part of a more wide-ranging discussion of the staged nature of the District Plan review. The advice from counsel for the Council to that Hearing Panel⁵⁴ was that the strike through/underlining purported to show the changes from the definitions in the ODP, but this was an error and a clean version of the Chapter should have been notified. In April 2016, that correction was made, and the three notes in the notified Chapter 2 deleted, by Council pursuant to Clause 16(2).

89. Presenting the Section 42A Report on Chapter 2, Ms Leith suggested that what was the second note would merit amplification in a new note. She suggested that it read as follows:

“Definitions are also provided within Chapter 5: Tangata Whenua (Glossary). These defined terms are to be applied across the entire Plan and supplement the definitions within this Chapter.”

90. We have no difficulty with the concept that a cross reference might to be made to the glossary in Chapter 5. We consider, however, that both the notified note and the revised version suggested by Ms Leith mischaracterised the nature of that glossary. They are not ‘definitions’. Rather, the glossary provides English translations and explanations of Maori words and terms used in the Plan and we think, for clarity, that should be stated.

91. Accordingly, we recommend that Ms Leith’s proposed note be amended to read:

“Chapter 5: - Tangata Whenua (Glossary) supplements the definitions within this chapter by providing English translations – explanations of Maori words and terms used in the plan.”

92. A related point arises in relation to the QLDC corporate submission⁵⁵ requesting that all references to Maori words within Chapter 2 are deleted and that instead, reliance be placed on the Chapter 5 Glossary. In Ms Leith’s consideration of this submission⁵⁶ she observed that the notified Chapter 2 included four Maori ‘definitions’ – of the terms ‘hapū’, ‘iwi’, ‘koiwi tangata’ and ‘tino rangatiratanga’. Ms Leith observes that the term ‘iwi’ has the same definition at both the Chapter 5 Glossary and in Chapter 2. We agree that the Chapter 2 definition might therefore appropriately be deleted.

⁵⁴ Refer Counsel’s Opening Submissions in Stream 1 dated 4 March 2016 at Schedule 3.

⁵⁵ Submission 383

⁵⁶ Section 42A Report at Section 26

93. Ms Leith observed that the term ‘hapū’ is defined slightly differently between the Chapter 5 Glossary and Chapter 2. To us, if anything, this is all the more reason to delete the Chapter 2 definition in preference for the updated Chapter 5 ‘definition’ that, understandably, tangata whenua submitters will have focussed on.
94. Ms Leith’s advice was that ‘koiwi tangata’ is only found within Chapter 37 – Designations. We discuss the application of the Chapter 2 definitions to designations shortly. In summary, for the reasons below, we agree with Ms Leith’s recommendation that the defined term should be deleted.
95. Lastly, Ms Leith advised that while ‘tino rangatiratanga’ is not contained in the Glossary, the word ‘rangatiratanga’ is. Given the overlap, and that the definitions are essentially the same, we agree with Ms Leith’s recommendation that the Chapter 2 definition should be deleted.
96. The Oil Company submitters⁵⁷ sought in their submission a statement in Chapter 2 that reliance will be placed on definitions in the Act where there are such ‘definitions’ and no alternative is provided through the Plan. Ms Leith supported this submission and, in her Section 42A Report, supported inclusion of a more comprehensive note to the effect that the definitions in Chapter 2 have primacy over definitions elsewhere, that in the absence of a Chapter 2 definition, the definitions in the Act should be used, and that the ordinary dictionary meaning should apply where neither provides a definition. Mr Laurenson’s tabled statement agreed with that suggestion. We discussed with Ms Leith the desirability of referring to dictionary definitions given that while this is obviously the interpretative starting point, a dictionary will often give multiple alternative meanings or shades of meaning for the same word and different dictionaries will often have slightly different definitions for the same word. In her Reply Evidence, Ms Leith returned to this point and referred us to the approach taken in the Auckland Unitary Plan that refers one to a contextual analysis undertaken in the light of the purpose of the Act and any relevant objectives and policies in the Plan. She suggested augmenting the note at the commencement of Chapter 2 accordingly.
97. In our view, as amended, this particular note was getting further and further from the jurisdictional base provided by the Oil Companies’ submission and that it needed to be pared back rather than extended.
98. We also admit to some discomfort in seeking to circumscribe the interpretation process.
99. The starting point is to be clear what the definitions in the Chapter apply to. Ms Leith suggested a note stating that the definitions apply throughout the Plan whenever the defined term is used. We inquired of counsel for the Council as to whether we could rely on the fact that this is literally correct, that is to say that on every single occasion where a defined term is used, it is used in the sense defined. While that is obviously the intention, we observed that section 1.3 of the PDP used the term “*Council*” to refer to councils other than QLDC (the defined term). The existence of at least one exception indicates a need for some caution and we suggested that it might be prudent to use the formula typically found in legislation⁵⁸ that definitions apply “*unless the context otherwise requires*”. Ms Leith adopted that suggestion in her reply.

⁵⁷ Submission 768

⁵⁸ See e.g. Section 2(1) of the Act

100. More substantively, counsel for the Council observed in opening submissions that the defined terms in Chapter 2 did not apply to the designation chapter⁵⁹. We discussed with counsel whether there was anywhere in the notified Plan that actually said the Chapter 2 definitions did not apply to designations, and if not, why that should be the case. Initially, Counsel referred us to Section 176(2) of the Act as justifying that position⁶⁰. We thought that this was a somewhat slender basis on which to form a view as to how designations should be interpreted, but Ms Scott also observed that a number of the designations had been rolled over from the ODP (and we infer, potentially from still earlier planning documents). We agree that to the extent that defined terms have changed through successive District Plans, it cannot be assumed that the designation would use the term in the sense set out in Chapter 2 of the PDP.
101. Ms Leith amplified the point in her reply evidence drawing our attention to the limited number of cases where designations in Chapter 37 in fact refer to the definitions in Chapter 2 and the problem that where the Council is not the relevant requiring authority, any amendments to definitions used in designations would need to be referred to (and agreed by) the requiring authority.
102. Accordingly, we think that there is merit in the Staff recommendation that designations be specifically referenced as an exception, that is to say that Chapter 2 definitions apply to designations only if the designation states that. We have drawn that intended approach to the attention of the Hearing Panel considering Chapter 37 (Designations).
103. In summary, we therefore agree with the form of note suggested in Ms Leith's reply with some minor rewording as follows:
- “Unless the context otherwise requires, the definitions in this chapter apply throughout the plan whenever the defined term is used. The reverse applies to the designations in Chapter 37. The definitions in Chapter 2 only apply to designations where the relevant designation says they apply.”*
104. With that note, reference in a second note to the definitions in Chapter 2 having primacy over other definitions elsewhere is unnecessary. We think that the second note suggested by Ms Leith can accordingly be limited to state:
- “Where a term is not defined in the plan, reliance will be placed on the definition in the Act, where there is such a definition.”*
105. Ms Leith suggested to us that a third note should be added to say that where a definition includes reference to another defined term in this Chapter, this definition should be relied upon in the interpretation of the first definition. As Ms Leith explained it in her Section 42A Report⁶¹ this was intended to address the many instances of interrelated definitions. We think, however, that the note is unnecessary. If, as stated in the first note, the definitions in Chapter 2 apply throughout the Plan when a defined term is used, unless the context requires otherwise, that necessarily applies to the interpretation of Chapter 2 because it is part of the Plan.

⁵⁹ Opening submissions at paragraph 4.1

⁶⁰ Section 176(2) states that the provisions of a District Plan apply to land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose

⁶¹ At paragraph 7.5

106. Ms Leith also suggested inclusion of a note stating that where a word or phrase is defined, the definition applies also to any variations of the word or phrase including singular for plural and vice versa.
107. We discussed with Ms Leith whether the suggested note needed to be more precise as to what was meant by “*variations*”. We read the intent as seeking to capture section 32 of the Interpretation Act 1999 – so that a definition would be read to include different parts of speech and grammatical forms - and wondered whether it should not say that more clearly. Ms Leith undertook to ponder the point and in her reply evidence, she recommended that the note she was proposing to add be simplified to refer just to singular and plural versions of words. We agree with that (Section 32 of the Interpretation Act will apply irrespective), but suggest that the wording of a note might be simplified from that suggested by Ms Leith, so it would read as follows:
- “Any defined term includes both the singular and the plural.”*
108. We discussed with counsel whether it would be helpful to identify defined terms in the text through methods such as italics, underlining or capitalisation. Ms Leith responded in her reply evidence that use of such methods can result in Plan users interpreting that the defined term is of greater importance in a provision, which is not necessarily desirable. She also noted that capitalisation can be problematic as it can be confused with terms that are capitalised because they are proper nouns. We record that Arcadian Triangle Limited⁶² suggested that greater consistency needed to be employed as regards the use of capitalisation so that either all defined terms are capitalised, or none of them are.
109. We agree with that suggestion in principle although Ms Leith suggested adding a separate list of acronyms used in the Plan to Chapter 2. We think that is helpful, but most acronyms are capitalised so that would be an exception to the general rule.
110. It follows that where terms are currently capitalised in the body of Chapter 2 (and elsewhere), they should be decapitalised unless they are proper nouns. We have made that change without further comment, wherever we noted it as being necessary, and have recommended to other Hearing Panels that they do the same.
111. We have, however, formed the view that it would be helpful to readers of the PDP if defined terms are highlighted in the text. While we accept Ms Leith’s point that the approach has its dangers, the potential for readers of the PDP not to appreciate terms are used in a sense they may not have anticipated is, we think, rather greater. The revised chapters of the PDP recommended by other Hearing Panels reflect that change, which we consider to be of no substantive effect given the ability, where necessary, to debate whether context requires a different meaning.
112. Ms Leith suggested a further note to the effect that notes included within the definitions are purely for information or guidance and do not form part of the definition. She referred us to Submission 836 as providing a jurisdictional basis for this suggested amendment. That submission (of Arcadian Triangle Limited) is limited to the notes to the definition of “*residential flat*” but we think that the submitter makes a sound general point. Elsewhere in her Section 42A Report, Ms Leith referred to some notes being fundamental to the meaning of the defined term (so that accordingly, they should be shifted into the definition). She recognised, however, that this posed something of a problem if Clause 16(2) was being relied on as the

⁶² Submission 836: Supported by FS1097

jurisdictional basis for the change (if the presence or absence of a 'note' makes a fundamental difference, it is difficult to classify their incorporation in the definition as a minor change).

113. We have approached the definitions on the basis that the Arcadian Triangle submission is correct and advice notes are solely for information purposes and cannot have substantive effect. If a definition cannot be read coherently without reference to the advice note, that suggests the definition is defective and needs work. If there is no submission to provide a basis for a substantive change to the definition, then it needs to be the subject of variation.

114. Coming back to the notes at the commencement of Chapter 2, we therefore agree with Ms Leith's recommendation that there should be a note stating:

"Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition."

115. Lastly, Ms Leith suggested a note stating:

"Where a definition title is followed by zone or specific notation, the application of the definition shall only be limited to the specific zone or scenario described."

116. She explained that this was a consequential point arising from her recommending that definitions contained within Chapter 26 (historic heritage) be shifted into Chapter 2, but remain limited in their application to Chapter 26.

117. We drew to Ms Leith's attention the fact that chapter specific definitions had also been recommended within Chapters 12 and 13. In her reply, Ms Leith accepted that the same conclusion should follow, that those definitions should be imported into Chapter 2 as a consequential change and be subject to the suggested note.

118. We agree with that suggestion and with the substance of the suggested note. We think, however, that as Ms Leith framed it, it appeared to be an instruction with substantive effect rather than a note. We therefore suggest that it be reworded as follows:

"Where a definition title is followed by a zone or specific notation, the intention is that the application of the definition is limited to the specific zone or scenario described."

119. We note that it does not necessarily follow that a copy of the relevant definitions should not also be in the Chapter to which they relate, but that is a matter for the Hearing Panels considering submissions on those chapters to determine.

120. We note also that where definitions with limited application have been shifted/copied into Chapter 2 with no substantive amendment (other than noting the limitation) we have not discussed them further.

5. GENERAL ISSUES WITH DEFINITIONS

121. There are a number of general issues that we should address at the outset of our consideration of the Chapter 2 definitions. The first arises from the fact that defined terms (and indeed some new definitions of terms), have been considered by the Hearing Panels addressing submissions on the text of the PDP.

122. We canvassed with counsel for the Council the appropriate way for us to address definitions in this category. While we have the responsibility of making recommendations on the final form on Chapter 2, our consideration of the Chapter 2 definitions should clearly be informed by the work that other Hearing Panels have undertaken on the definition of terms. We have accordingly asked each Hearing Panel to report to us on their recommendations as to new or amended definitions that should be in Chapter 2. Where we have no evidence to support a substantive change from another Hearing Panel’s recommendations, we have almost invariably adopted those recommendations. In some cases, we have recommended non-substantive grammatical or formatting changes. We do not discuss those definitions further in our Report. Similarly, where another Hearing Panel has considered submissions on a defined term (or seeking a new definition) and recommended rejection of the submission, we have not considered the matter further in the absence of further evidence.
123. Where we have had evidence on terms that have been considered in earlier hearings, we have considered that evidence, along with the reasoning of the Hearing Panel in question, and come to our own view.
124. In the specific instance where Ms Leith recommended changes to definitions that had been considered in earlier hearings, counsel for the Council identified, and we agreed, that this created a natural justice problem, because submitters heard at those earlier hearings had not had the opportunity to make submissions on the varied position of Council staff. Accordingly, as already noted⁶³, we directed that the submitters in question should have the opportunity to make written submissions to us. In the event, however, no further submissions were filed within the allotted time and thus there was no additional material to consider.
125. The second general point which we should address is the fact that as notified, Chapter 2 contained a number of definitions that were in fact just cross references to the definition contained in legislation⁶⁴. We suggested, and Ms Leith agreed, that it would be of more assistance to readers of the PDP if the actual definition were set out in Chapter 2. Having said that, there are exceptions where the definition taken from a statute is not self-contained, that is to say, it cannot be read without reference to other statutory provisions. We consider that in those circumstances, it is generally better to utilise the notified approach of just cross referencing the statutory definition. We also consider that where a definition has been incorporated from either the Act, or another Statute, that should be noted in a footnote to the definition so its source is clear. We regard inserting definitions from statutes and footnoting the source as a minor change under Clause 16(2). Accordingly, our suggested revision of Chapter 2 makes those changes with no further comment. Similarly, where we have chosen to retain a cross reference to a statutory definition, we have not commented further on the point.
126. In one case (the definition of ‘national grid’) the definition in the regulations has an internal cross reference that we consider can easily be addressed by a non-substantive amendment, as discussed below.
127. The next general point is that in her Section 42A Report, Ms Leith identified⁶⁵ that a number of definitions contained within Chapter 2 are of terms that are not in fact used within the PDP and/or which are only applicable to zones that are not included within the PDP (either because

⁶³ Refer Section 1.4 above

⁶⁴ See for example the definition of “reserve”.

⁶⁵ At paragraph 27.1

they were never part of Stage 1 of the District Plan review or because they have subsequently been withdrawn). She recommended deletion of these definitions and of any references to such zones within definitions. We agree. Given that the purpose of Chapter 2 is to define terms used in or relevant to the PDP, deletion of definitions which do not fall within this category is, by definition, a minor change within the ambit of Clause 16(2). Again, our recommended revised Chapter 2 in Appendix 1 shows such deletions without further comment⁶⁶. In some cases, terms we would have recommended be deleted on this basis are the subject of the Stage 2 Variations. In those cases, they are greyed out, rather than deleted.

128. It follows also that where submissions⁶⁷ sought new definitions, sought retention of definitions of terms not used in the PDP, or amendments to definitions that apply only in zones not the subject of the PDP, those submissions must necessarily be rejected.
129. Another general consideration relates to definitions that are currently framed in the form of rules. The definition of “*domestic livestock*” for instance is expressed in the language of a rule. It purports to state numerical limits for particular livestock in particular zones. Such definitions are unsatisfactory. Rules/standards of this kind should be in the relevant zone rules, not buried in the definitions. We will address each definition in this category on a case by case basis. Where we find that we do not have jurisdiction to correct the situation, we will make recommendations that the Council address the issue by way of variation.
130. Our next general point relates the notified definition of “*noise*” which reads as follows:
“Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise.

L_{dn}:

⁶⁶ The terms deleted from Appendix 1 on this basis are:
 ‘Amenity Tree Planting’; ‘Amenity Vegetation; Automotive and Marine Supplier (Three Parks and Industrial B Zones)’; ‘Back Lane Site (Three Parks Zone)’; ‘Balcony’; ‘Block Plans (Tree Parks Zones)’; ‘Boundary Fencing’; Building (Remarkables Park Zone)’; ‘Bus Shelters (Mount Cardrona Special Zone)’; ‘Comprehensive Residential Development’; ‘Condominiums’; ‘Development (Financial Contributions)’; ‘Design Review Board’; ‘Elderly Persons Housing Unit’; ‘Farming and Agricultural Supplier’ (Three Parks and Industrial B Zones); ‘Farm Yard Car Park’; ‘Food and Beverage Outlet (Three Parks Zone)’; ‘Front Site’; ‘Garden and Patio Supplier (Three Parks and Industrial B Zones)’; Ground Level (Remarkables Park Zone)’; ‘Habitable Space (Three Parks Zone)’; ‘Hazardous Wastes’; ‘Historic Equipment’; ‘Home Occupation (Three Parks Zone)’; ‘Large Format Retail (Three Parks Zone)’; ‘Manufacturing of Hazardous Substances’; ‘Multi Unit Development’; ‘Night Time Noise Boundary Wanaka’; ‘North Three Parks Area’; ‘Office Furniture, Equipment and Systems Suppliers (Three Parks and Industrial B Zones)’; ‘On-Site Workers (Three Parks and Industrial B Zones)’; ‘Outline Development Plan’; ‘Place of Assembly’; ‘Place of Entertainment’; ‘Relocatable’; ‘Retention Mechanism’; ‘Rural Selling Place’; ‘Sandwich Board’; ‘Secondary Rear Access Lane’; ‘Secondary Unit’; ‘Secondhand Goods Outlet (Three Parks and Industrial B Zones)’; ‘Specialty Retail (Three Parks Zone)’; ‘Stakeholder Deed’; ‘Step In Plan’; ‘Storey (Three Parks Zone)’; ‘Tenancy (Three Parks Zone)’; ‘Visually Opaque Fence’; ‘Yard Based Service Activity’; ‘Yard Based Supplier (Three Parks and Industrial B Zones)’; ‘Zone Standards’
⁶⁷ E.g. submission 836: Neither supported nor opposed in FS1117

Means the day/night level, which is the A-frequency-weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).

L_{Aeq(15 min)}:

Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).

L_{AFmax}:

means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.

Noise Limit:

Means a L_{Aeq(15 min)} or L_{AFmax} sound level in decibels that is not to be exceeded.

In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.

131. This 'definition' is unsatisfactory. Among other things, it does not actually define the term 'noise'.
132. In her reply evidence, Ms Leith noted that the reporting officer and the acoustic expert giving evidence for Council in the context of Chapter 36 – Noise had not raised any concerns with the above definition or recommended any amendments, and that there was only one submission⁶⁸ on it, seeking deletion of the day/night level (which was not supported). Accordingly, while Ms Leith recognised that the definition was somewhat anomalous, she did not recommend any change to it. Ms Leith also identified that while the definition of "sound" in Chapter 2 cross references the relevant New Zealand Standards and states that the term has the same meaning as in those standards, the Standards do not in fact define the term "sound". Again, however, Ms Leith did not recommend any amendment.
133. We disagree. The definition of "noise" is a combination of:
- A note that reference should be made to the relevant New Zealand Standards when considering acoustic terms.
 - A definition of some terms, not including 'noise'; and
 - A rule as to how particular noise (from helicopters) should be assessed.
134. In our view, the aspects of this definition that constitute a note should be shifted into the notes to Chapter 2, and be reframed as such – rather than being expressed in the language of a rule.
135. Accordingly, we suggest that the notes at the start of Chapter 2 have added to them the following:
"Acoustic terms not defined in this chapter are intended to be read with reference to NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – environmental noise".
136. The terms that are actually defined within the definition of "noise" should be set out as separate definitions of their own. The Hearing Panel on Chapter 36 did not recommend that

⁶⁸ Submission 243: Opposed by FS1224 and FS1340

Ms Brych's submission⁶⁹ be accepted and accordingly, we have no basis on which to recommend removal of the definition of Ldn.

137. Lastly, on this point, we recommend to the Chapter 36 Hearing Panel that the helicopter rule/assessment standard should be incorporated in Chapter 36.
138. The 'definition' of 'sound' should likewise be deleted, because the cross reference it contains is impossible to apply. It is therefore of no assistance as it is.
139. As another general point, we note that there is no consistency as to definition formatting. Some definitions have bullets, some have numbering systems, and where the latter, the numbering systems differ.
140. We think it is desirable, on principle, for all subparts of definitions to be numbered, to aid future reference to them. Our revised Chapter 2 therefore amends definitions with subparts to insert a consistent numbering system. We regard this as a minor non-substantive change, within Clause 16(2).
141. Lastly at a general level, we do not propose to discuss submissions seeking the retention of existing definitions if there is no suggestion, either in other submissions or by Ms Leith, that the definition should be changed.

6. DEFINITIONS OF SPECIFIC TERMS

142. We now turn to consider the content of Chapter 2 following the notes to definitions. Where suggested changes fall within the general principles set out above, we do not discuss them further. Accordingly, what follows is a discussion of those terms that were:
 - a. The subject of submissions heard in this hearing stream;
 - b. The subject of recommendations by Ms Leith; or
 - c. In a small number of cases, where we identified aspects of the definition that require further consideration.

6.1. Access

143. As notified, this definition included reference to 'common property' "*as defined in Section 2 of the Unit Titles Act 2010*". Consistent with the general approach to cross references to definitions in legislation discussed above, Ms Leith suggested deleting the reference to the Unit Titles Act and inserting the actual definition of common property from that Act. Because the end result is the same, these are non-substantive amendments within the scope of Clause 16(2).
144. We agree with Ms Leith's approach, with one minor change. We think it would be helpful to still cross reference the Unit Titles Act in the definition of 'access' but suggest the cross reference be put in brackets. As above, the proposed additional definition of 'common property' should be footnoted to source that definition to the Unit Titles Act 2010.

6.2. Access leg:

145. In the marked-up version of Chapter 2 attached to her Section 42A Report, Ms Leith suggested deletion of the initial reference in the notified definition to this relating to rear lots or rear sites. As far as we could ascertain, there is no discussion of this suggested change in the body

⁶⁹ Submission 243

of the Report and no submission which would provide jurisdiction for it. We have some concerns as to whether deletion of reference to rear lots or rear sites falls within Clause 16(2). On the face of the matter, it has the effect that the definition is broadened to apply to every site, because every site will have a strip of land included within the lot or site which provides legal physical access to the road frontage. On that basis, we do not agree with the suggested amendment. However, we think the cross reference to rear lots and rear sites might appropriately be shifted to the term defined, using the convention applied to other defined terms.

6.3. Access Lot:

146. Ms Leith recommended that this definition be deleted because the term is not used within the PDP. We discussed with her whether this might be an exception, where it was nevertheless useful to include the definition, given that the term is commonly used in subdivision applications.

147. In her reply evidence, the text⁷⁰ reiterates the position that the definition should be deleted, to be consistent with her other recommendations. However, her marked up version of Chapter 2 has a note appended to this definition saying that the definition is necessary as the term is frequently used on survey plans.

148. For our part, we think there is value in having the definition of access lot for the reason just identified. In addition, while the term ‘access lot’ is not used in the PDP, Chapter 27 refers to ‘lots for access’⁷¹.

149. Accordingly, we recommend that the notified definition of access lot be retained in Chapter 2.

6.4. Accessory Building:

150. Ms Leith recommends that the opening words to this definition, “*in relation to any site*” be deleted. Again, we could not locate any discussion of this particular amendment in the Section 42A Report but, on this occasion, we think that it falls squarely within clause 16(2) of the First Schedule – it is self-evident that the term relates to activities on a site. Having deleted the opening words, however, we think that a minor grammatical change is required where the definition refers to “*that site*” in the second line. Consequential on the suggested amendment, the reference in the second line should be to “*a site*”.

6.5. Activity Sensitive to Aircraft Noise (ASAN):

151. Ms Leith recommended two changes to this definition, both stemming from the staff recommended amendments considered in the Stream 6 hearing relating to Chapters 7-11 (Urban Residential Zones).

152. The first is to utilise the same definition for activities sensitive to road noise and the second to substitute reference to any “*education activity*” for “*educational facility*”. The latter change reflects the staff recommendation to delete the definition of ‘educational facility’. The Stream 6 Hearing Panel identifies the commonality of issues raised by the effects of aircraft and road noise in its report⁷² and we agree that it is useful to combine the two with one definition. We discuss the deletion of ‘educational facility’ later in this report, but we agree that consequential on our recommendation to delete that definition, the cross reference to it

⁷⁰ At paragraph 6.1

⁷¹ E.g. recommended Rule 27.6.2 (Report 7)

⁷² Refer Report 9A at Section 36.1

needs to be amended in this context. Accordingly, we recommend acceptance of the suggested amendments.

6.6. Activities Sensitive to Aircraft Noise (ASAN) Wanaka:

153. Ms Leith recommended deletion of this definition, consequent on a recommendation to that effect to the Stream 8 Hearing Panel considering Chapter 17 (Airport Mixed Use Zone).

154. The Stream 8 Hearing Panel concurs that this would remove duplication and aid clarity⁷³ and for our part, we heard no evidence that would suggest that we should take a different view. Accordingly, we recommend that this definition be deleted.

6.7. Adjacent and Adjoining:

155. In her Section 42A Report⁷⁴, Ms Leith drew our attention to the use of the terms ‘adjacent’ and ‘adjoining’ in the PDP. As Ms Leith observes, ‘adjoining land’ is defined as:

“In relation to subdivision, land should be deemed to be adjoining other land, notwithstanding that it is separated from the other land only by a road, railway, drain, water-race, river or stream.”

156. Ms Leith was of the view that it was desirable that this definition be expanded to apply in situations other than that of subdivision, to provide for the consistent implication of the term ‘adjoining’ between land use and subdivision consent applications. We agree that this is desirable. Chapter 27 uses the term ‘adjoining land’ in a number of places. Where necessary, it is qualified to refer to *“immediately adjoining”* lots⁷⁵. It makes sense to us that a consistent approach should be taken across subdivision and land use provisions, which are frequently combined. We also agree, however, that with no submission on the point, there is no jurisdiction to make substantive changes to this definition.

157. Accordingly, we accept Ms Leith’s suggestion that we recommend that this be considered further by Council, either at a later stage of the District Plan process or by way of District Plan variation. In the interim, we recommend that consistent with the formatting of other definitions, the limited purpose of the definition be noted in the defined term, and that it be expressed as a definition and not a rule. Appendix 1 shows the suggested changes.

158. Ms Leith considered, at the same time the use of the term ‘adjacent’ in the context of the PDP. She referred us to dictionary definitions aligning ‘adjacent’ with ‘adjoining’. She did not consider it was necessary to define the term given its natural ordinary meaning. We agree with that recommendation also.

6.8. Aircraft:

159. Ms Leith recommended that an additional sentence be inserted on the end of this definition to exclude remotely piloted aircraft weighing less than 15kg. Again, this recommendation reflects a suggested amendment considered and accepted by the Stream 8 Hearing Panel⁷⁶.

160. As with the previous definition, we heard no evidence that would cause us to take a different view. Accordingly, we recommend that the definition be amended to include the sentence:

⁷³ Refer Report 11 at Section 63.3

⁷⁴ A Leith, Section 42A Report at Section 29

⁷⁵ E.g. Recommended Rule 27.5.4

⁷⁶ Refer Report 11 at Section 63.4

“Excludes remotely piloted aircraft that weigh less than 15kg.”

6.9. Aircraft Operations:

161. As notified, this definition was expressed to include the operation of aircraft during landing, take-off and taxing, but excluding certain specified activities. The Stream 8 Hearing Panel has considered submissions on it and recommends no change to the notified version. Ms Leith, however, recommended that the definition be converted from ‘including’ these matters to ‘meaning’ these matters. In other words, they are to be changed from being inclusive to exclusive.

162. We could not identify any specific discussion of this suggested change in the Section 42A Report. Shifting a definition from being inclusive to exclusive would normally have substantive effect and therefore fall outside Clause 16(2). However, in this case, the only conceivable activity involving aircraft not already specified is when they are in flight and section 9(5) excludes the normal operation of aircraft in flight from the control of land uses in the Act. Accordingly, we consider that this is a minor change that provides greater clarity as to the focus of the PDP. We therefore recommend that Ms Leith’s suggestion be adopted.

6.10. Air Noise Boundary:

163. Ms Leith recommended deletion of this definition consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17. The Stream 8 Hearing Panel agreed that the definition was redundant and should be deleted⁷⁷. We heard no evidence that would cause us to take a different view.

164. Accordingly, we recommend that this definition be deleted.

6.11. Airport Activity:

165. Ms Leith recommended a series of changes to this definition consequent on changes recommended to the Stream 8 Hearing Panel considering Chapter 17, together with non-substantive formatting changes. The most significant suggested changes appear to be in the list of buildings that are included. In some respects, the ambit of the definition has been expanded (to include flight information services), but in a number of respects, the number of buildings qualifying as an airport activity have been reduced (e.g. to delete reference to associated offices). The Stream 8 Hearing Panel concurred with the suggested amendments⁷⁸ and we heard no evidence that would cause us to take a different view. In particular, although the Oil Companies⁷⁹ sought that the notified definition be retained, the tabled statement of Mr Laurenson for the submitters supported the suggested amendments. Accordingly, we recommend that the definition be amended to incorporate the changes suggested by Ms Leith and shown in Appendix 1 to this Report.

166. We should note that in Ms Leith’s section 42A Report, she recorded that the intention of the Reporting Officer on Chapter 17 was to make the now bullet pointed list of specified airport activities exclusive, rather than inclusive, by suggesting deletion of the words *“but not limited to”*⁸⁰.

⁷⁷ Refer Report 11 at Section 63.6

⁷⁸ Refer Report 11 at Section 63.8

⁷⁹ Submission 768

⁸⁰ A Leith, Section 42A Report, paragraph 30.2

167. To our mind, it is perfectly clear that a definition like that of ‘Airport activity’ which provides an initial definition and says that various specified matters are included is not intended to be exhaustive. The words “*but not limited to*” add only emphasis. They do not change the meaning. If the Council desires to alter an existing definition that is expressed inclusively, to be exclusive, in the absence of a submission on the point, that would generally be a substantive change that will need to be achieved by way of variation. The same point arises in relation to the definition of the ‘airport related activity’, which we will discuss shortly.

6.12. Airport Operator:

168. Ms Leith recommended this definition be deleted as it is not used in the PDP. Ms O’Sullivan from QAC⁸¹ noted in her tabled evidence that it was used in a designation (of Wanaka Airport Aerodrome Purposes) and suggested that it would be appropriate to retain it.

169. This raises the question addressed earlier and more generally regarding the inter-relationship between the designations in Chapter 37 and the Chapter 2 definitions. For the reasons we discussed above, we take a different view to the Stream 8 Hearing Panel (which recommended to us that the definition be retained⁸²) and find that if this term needs to be defined for the purposes of a designation, that is a matter for the Stream 7 Hearing Panel to address.

170. We therefore recommend it be deleted from Chapter 2.

6.13. Airport Related Activity:

171. Ms Leith made a series of suggested changes to this definition largely reflecting recommendations to the Stream 8 Hearing Panel. The additional changes recommended by Ms Leith are for non-substantive formatting matters. The effect of the recommended changes was to shift many of the activities formally identified as ‘airport activities’ to being ‘airport related activities’. The Stream 8 Hearing Panel concurred with the suggested changes⁸³ and, for our part, we heard no evidence to suggest we should take a different view.

6.14. All Weather Standard

172. In her Section 42A Report, Ms Leith recommended that this term be deleted on the basis that it was not used within the PDP. She reconsidered that recommendation in her reply evidence, having noted that it was used within the definition of ‘formed road’. On that basis, she recommended that the notified definition be retained. We agree, for the same reason.

6.15. Bar:

173. Ms Leith recommended a rejigging of this definition to delete the initial reference in the notified definition to any hotel or tavern, placing that reference into the term defined. We agree with the suggested reformulation, save that a minor consequential change is required so that rather than referring in the first sentence to ‘*the*’ hotel or tavern, the definition should refer to ‘*a*’ hotel or tavern.

6.16. Biodiversity Offsets:

174. This is a new definition flowing from the recommendation to the Stream 2 Hearing Panel, considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel concurred with this recommendation and we heard no evidence that would cause us to take a different view. Accordingly, we recommend the definition be inserted in the form suggested by Ms Leith and shown in Appendix 1 to this Report.

⁸¹ Submission 433

⁸² Refer Report 11 at Section 63.10

⁸³ Refer Report 11 at Section 63.11

6.17. Boundary:

175. Ms Leith recommended that this definition be amended by deleting the note in the notified version referring the reader to the separate definitions of '*internal boundary*' and '*road boundary*'. Ms Leith described it in her marked up version of Chapter 2 as a non-substantive amendment. We agree with that. We agree both with that classification and consider that the note was unnecessary. We therefore recommend that the note in the notified version of this definition be deleted.

6.18. Building:

176. Ms Leith recommended that shipping containers be added as an additional exception and that reference be to residential units rather than residential accommodation in this definition, consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities and Relocated Buildings. The second is a consequential change that we have no issue about, but the Stream 5 Hearing Panel queried the jurisdiction to insert the first, making no recommendation.

177. Although the Oil Companies⁸⁴ sought that the notified definition be retained, Mr Laurenson's tabled statement described the suggested changes as minor, and indicated agreement with Ms Leith's recommendations.

178. The notified definition includes an explicit extension of the statutory definition of 'building' to include, among other things, shipping containers used for residential purposes for more than 2 months. The clear implication is that shipping containers would not otherwise be considered a 'building'. We are not at all sure, however, that is correct. The reporting officer on Chapter 35, Ms Banks, thought they were⁸⁵ and we tend to agree with that (as a starting premise at least).

179. That would suggest to us that including an exclusion for shipping containers, irrespective of use and albeit for 2 months only, is a substantive change to the definition.

180. We are not aware of any submission having sought that exemption. Accordingly, we conclude that we have no jurisdiction to accept Ms Leith's recommendation in that regard.

181. The same problem does not arise with Ms Leith's recommendation that the introduction to the last bullet refer both to the statutory definition and the specified exemptions. We regard that as a non-substantive clarification. Ms Leith also suggests some minor grammatical changes for consistency reasons that we have no issues with.

182. Queenstown Park Ltd⁸⁶ sought in its submission that the definition excludes gondolas and associated structures. Giving evidence for the submitter, Mr Williams recorded that the effect of the definition referring to the Building Act 2004, rather than its predecessor (as the ODP had done) was to remove the ODP exclusion of cableways and gondola towers, but gave no evidence as to why this was not appropriate. Rather, because he went on to discuss and agree with the recommendation of Mr Barr to the Stream 2 Hearing Panel that 'passenger lift systems' be specifically defined, we infer that Mr Williams agreed with the analysis in Ms Leith's Section 42A Report that the submission has been addressed in a different way.

⁸⁴ Submission 768

⁸⁵ See Banks Reply Evidence in relation to Chapter 35 at 10.4

⁸⁶ Submission 806

Certainly, Mr Williams gave us no reason why we should not accept Ms Leith's recommendation in this regard.

183. Accordingly, we recommend that the only amendments to this definition be the consequential change to refer to 'residential unit' noted above, Ms Leith's suggested clarification of the role of the final bullet, and her suggested minor grammatical changes.

6.19. Building Supplier (Three Parks and Industrial B Zones):

184. Ms Leith recommended two sets of amendments to this definition. The first is to delete the reference in the term defined to the Three Parks and Industrial B Zones, arising out of a recommendation to and accepted by⁸⁷ the Stream 8 Hearing Panel considering Chapter 16-Business Mixed Use Zone. Given that the Three Parks and Industrial B Zones are not part of the PDP, were it not for inclusion of the term in Chapter 16, we would have recommended deletion of the definition. Accordingly, we agree with the suggested change.

185. The second suggested amendment is a reformatting of the definition. Currently it switches between identifying different types of building suppliers (glaziers and locksmiths), and identification of the goods a building supplier will supply. Ms Leith suggests focussing it on the latter and making appropriate consequential amendments. We agree with that suggested minor reformatting.

186. Lastly, the structure of the definition is an initial description of what a building supplier is, continuing "*and without limiting the generality of this term, includes...*". The phrase "*without limiting the generality of this term*" adds nothing other than emphasis, and in our view should be deleted.

187. Accordingly, we recommend that the revised definition of 'building supplier' should be as follows:

"Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings includes suppliers of:

- a. glazing;*
- b. awnings and window coverings;*
- c. bathroom, toilet and sauna installations;*
- d. electrical materials and plumbing supplies;*
- e. heating, cooling and ventilation installations;*
- f. kitchen and laundry installations, excluding standalone appliances;*
- g. paint, varnish and wall coverings;*
- h. permanent floor coverings;*
- i. power tools and equipment;*
- j. locks, safes and security installations; and*
- k. timber and building materials."*

6.20. Cleanfill and Cleanfill Facility:

188. In her Section 42A Report, Ms Leith recommended that definitions of these terms be added to Chapter 2, responding to the submission of HW Richardson Group⁸⁸. The point of the submission relied on is that the definition of 'cleanfill' from Plan Change 49 should be included in the PDP. Although the submission was limited to 'cleanfill', Ms Leith identified that the

⁸⁷ Refer Report 11 at Section 49

⁸⁸ Submission 252

definition of earthworks she separately recommended be amended to align with the outcome of Plan Change 49 (accepting submission 768 in this regard) refers to both cleanfill and cleanfill facilities. She regarded addition of a definition of cleanfill facilities (from Plan Change 49) as being a consequential change. The tabled statement of Mr Laurenson for the Oil Companies⁸⁹, however, noted that the definitions of ‘cleanfill’ (and consequently ‘cleanfill facility’) could be interpreted to include a range of substances that should not be considered to fall within that term, such as contaminated soils and hazardous substances. Mr Laurenson also drew attention to Ministry for the Environment Guidelines exempting such materials from the definition of ‘cleanfill’.

189. In her reply evidence⁹⁰, Ms Leith accepted Mr Laurenson’s point. She noted that Submission 252 did not provide scope to introduce definitions of ‘cleanfill’ and ‘cleanfill facility’ reflecting the Ministry’s guidance, and recommended that the best approach was not to define those terms, thereby leaving their interpretation, when used in the definition of earthworks, at large pending review of the Earthworks Chapter of the District Plan, proposed to occur in Stage 2 of the District Plan Review process.

190. We agree with Ms Leith’s revised position, substantially for the reasons set out in her reply evidence. It follows that we recommend that Submission 252 (seeking inclusion of the definition of ‘cleanfill’ from Plan Change 49) be rejected. We note that the Stage 2 Variations propose introduction of new definitions of both ‘clean fill’ and ‘cleanfill facility’.

6.21. Clearance of Vegetation (includes indigenous vegetation):

191. Ms Leith recommended insertion of reference to “soil disturbance including direct drilling” in this definition, reflecting in turn, recommendations to the Stream 2 Hearing Committee considering Chapter 33 – Indigenous Vegetation and Biodiversity. That Hearing Panel accepted that recommendation, but has also recommended additional changes; to delete the reference to indigenous vegetation in brackets in the term defined and to introduce reference to oversowing⁹¹. We heard no evidence that would cause us to take a different view on any of these points. Accordingly, we recommend that the definition be amended as shown in Appendix 1 to this Report.

6.22. Community Activity:

192. Ms Leith recommended two amendments to this definition. The first is to broaden the notified reference to “schools” to refer to “daycare facilities and education activities”, reflecting recommendations to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Residential Zone. We note that this suggested change was supported by the tabled evidence for the Ministry of Education of Ms McMinn⁹² and we agree with it (as did the Stream 6 Hearing Panel). The second suggested change responded to the submission of New Zealand Police⁹³ by amending the previous reference to “Police Stations” to refer to “Police Purposes”. We can readily understand the rationale for that amendment⁹⁴ although the Council may wish to consider whether reference to Fire Stations should similarly be broadened by way of variation since presumably the same logic would apply to New Zealand Fire Services Commission as to New Zealand Police.

⁸⁹ Submission 768

⁹⁰ A Leith, Reply Evidence at 20.4

⁹¹ Report 4A at Section 47.2

⁹² Submission 524

⁹³ Submission 57

⁹⁴ Refer the tabled letter/submission of Mr O’Flaherty for NZ Police emphasising the restriction on the scope of police activities otherwise.

193. Lastly, we note that in the course of the hearing, we discussed with Ms Leith the rationale for excluding recreational activities from this definition. Ms Leith frankly admitted that this was something of a puzzle. While the intention may have been to exclude commercial recreational activities, use of land and buildings for sports fields and Council owned swimming pools would clearly seem to be community activities, in the ordinary sense. We drew this point to the Council's attention in our Minute of 22 May 2017 as an aspect where a variation might be appropriate given the lack of any submission providing jurisdiction to address the point.

194. Given those jurisdictional limitations, we recommend that the definition be amended in line with Ms Leith's evidence, as shown in Appendix 1 to this Report.

6.23. Community Facility:

195. Ms Leith recommended that this definition be deleted, consequent on a recommendation to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Zone. The point was also considered in the Stream 4 hearing and the Stream 4 Hearing Panel considering Chapter 27 (Subdivision) recommends that the definition be deleted.

196. The tabled evidence of Ms McMinn for the Ministry of Education queried the staff planning recommendation in relation to Chapter 7 and whether staff in that context had actually recommended the definition be deleted.

197. Be that as it may, it appeared to us that the Ministry's concern related to use of the term "community facility" in any new subzone, that will necessarily be the subject of a future plan process. It can accordingly be considered at that time.

198. Likewise, the tabled evidence of Ms McMinn for Southern District Health Board⁹⁵ drew our attention to the desirability of retaining the term 'community facility' in order that the PDP might clearly provide for Frankton Hospital at its existing location should the Community Facility Sub-Zone be reintroduced as part of Stage 2 of the District Plan review process.

199. It seems to us that, as with her concern on behalf of the Ministry of Education, this is an issue that should be addressed as part of a later stage of the District Plan review. The Council will necessarily have to consider, should it reintroduce the Community Facility Sub-Zone, what additional terms need to be defined for the proper administration of those provisions. We do not believe it is appropriate that we seek to anticipate the consequences of Council decisions that are yet to be made.

200. We therefore recommend deletion of this definition.

6.24. Community Housing:

201. Ms Leith recommended that this definition be amended by decapitalising the terms previously themselves the subject of definitions. Although she did not specifically identify this change as responding to the Arcadian Triangle submission referred to earlier, her recommendation is consistent with that submission and we agree with it. We therefore recommend a like change in the marked version of Chapter 2 annexed in Appendix 1.

⁹⁵ Submission 678

6.25. **Critical Listening Environment:**

202. The only change recommended by Ms Leith to this definition is correction of a typographical error pointed out in the evidence of Ms O’Sullivan for QAC⁹⁶ and also noted by the Stream 8 Hearing Panel; substitution of “listening” for “living” in the last line. We regard this as a minor change, correcting an obvious error.

6.26. **Domestic Livestock:**

203. The notified version of this definition read:

“Means the keeping of livestock, excluding that which is for the purpose of commercial gain:

- *In all Zones, other than the Rural General, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry, and does not include adult roosters; and*

- *In the Rural General, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a property in a Rural Zone for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster per site.*

Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock in a farming activity as defined by the Plan.”

204. This definition needs to be read together with the definition of ‘commercial livestock’:

“Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.”

205. The definition of ‘farming activity’ is also relevant:

“Means the use of land or buildings for the primary purpose of the production of vegetative matters and/or commercial livestock...”

206. There were two submissions on the definition of ‘domestic livestock’. The first, that of Ms Brych⁹⁷, sought that the definition refer to the livestock rather than their keeping. The second, that of Arcadian Triangle Limited⁹⁸, made a number of points:

- a. There is an inconsistency between the two bullet points in that the second refers to livestock on a property and, per site, whereas the first bullet does not do so.
- b. The use of reference in the second bullet point variously to “a property” and “per site” is undesirable given that the second is defined, whereas the first is not.
- c. Similar controls should be imposed on adult peacocks to those in relation to adult roosters.
- d. The words in the note “as defined by the Plan” are unnecessary and should be deleted.

207. Ms Leith agreed with Ms Brych’s submission that the inconsistency of terminology as between ‘commercial livestock’ and ‘domestic livestock’ was undesirable and should be corrected.

⁹⁶ Submitter 433

⁹⁷ Submission 243: Opposed by FS1224

⁹⁸ Submission 836

208. Ms Leith also agreed with the points made in the Arcadian Triangle submission, and recommended amendments to address those issues. Ms Leith also recommended minor changes to the references to zones, to bring them into line with the PDP terminology.
209. More fundamentally, Ms Leith observed that this is one of the definitions that is framed more as a rule than as a definition. Although she did not identify all the consequential changes that would be required, her recommendation was that the operative parts of the definition (i.e. those that appear more as a rule), might appropriately be shifted into the relevant zone. In her reply evidence, Ms Leith identified that the term ‘domestic livestock’ only appears in the Rural and Gibbston Character Zones. Her view was that given the absence of any submission, that would need to be rectified by way of variation.
210. In our view, there are even more fundamental problems with this definition that largely stem from the absence of any definition as to what animals come within the concept of ‘livestock’. The Collins English Dictionary⁹⁹ defines livestock as *“cattle, horses, poultry, and similar animals kept for domestic use but not as pets – esp. on a farm or ranch”*.
211. Dictionary.com gives the following definition:
- “The horses, cattle, sheep, and other useful animals kept or raised on a farm or ranch”*.
212. Lastly, Oxford Living Dictionaries¹⁰⁰ defines ‘livestock’ as *“farm animals regarded as an asset”*.
213. These definitions suggest that the concept of ‘livestock’ on property that is not farmed is something of a contradiction in terms.
214. The subtle differences between these definitions raise more questions than they answer given the implication of the second bullet point in the notified definition that livestock includes animals kept as pets or for hobby purposes. We are left wondering whether a single horse kept for casual riding as a hobby, if held on a property not within the Rural, Rural Lifestyle or Rural Residential Zones, would be considered livestock falling outside the definition of ‘domestic livestock’, and therefore be deemed to be ‘commercial livestock’, and consequently a ‘farming activity’.
215. Or perhaps even more problematically, a household dog of which there are presumably many located within the District’s residential zones.
216. Similarly, is it material that a dog might be considered ‘useful’ or an ‘asset’ on a farm, even if it is kept as a pet within a residential zone, so that a resource consent is required for a border collie (for instance), but not a miniature poodle?
217. Ms Leith’s recommendation that peacocks be specifically referred to tends to blur the position further; peacocks would not normally (we suggest) be considered ‘farm animals’.
218. We discussed with Ms Leith whether control of poultry in residential zones, for instance, should not better be undertaken through the Council bylaw process. That would obviously be an alternative option considered in the course of any section 32 analysis. In addition, as pointed out in our 22 May 2017 Minute, the existing definition treats the Gibbston Character

⁹⁹ 1979 edition

¹⁰⁰ www.oxforddictionaries.com

Zone as a effectively a non-rural zone. Ms Leith thought that that was an error, but we lack the scope to recommend a change to the definition that would address it.

219. These considerations prompt us to the view that while, as an interim step, we should recommend the amendments suggested by Ms Leith, responding to the submissions on this definition and to the minor errors she has identified, we recommend that the Council consider regulation of animals, as a land use activity, afresh, determining with significantly greater clarity than at present, what animals it seeks to regulate through the District Plan and determining appropriate standards for the number of those animals that is appropriate for each zone in the relevant chapters of the PDP (not the definitions). Defining what is considered 'livestock' would seem to be a good starting point.

6.27. Earthworks:

220. As already noted (in the context of our discussion of 'cleanfill' and 'cleanfill facility' Ms Leith recommended amending the definition of earthworks to adopt the definition established through Plan Change 49, thereby responding to the submission of the Oil Companies¹⁰¹. Ms Leith's recommendation has been overtaken by the Stage 2 Variations which propose amendments to this definition and thus we need not consider it further.

6.28. Earthworks within the National Grid Yard:

221. In her Reply Evidence¹⁰², Ms Leith noted the tabled representation of Ms Bould reiterating the evidence on behalf of Transpower New Zealand Limited¹⁰³ seeking a new definition of 'earthworks within the national grid yard'. This submission and evidence was considered by the Stream 5 Hearing Panel which has determined that no new definition is required for the purposes of the implementation of Chapter 30¹⁰⁴.

222. Ms Bould raised the point that the definition of 'earthworks' does not capture earthworks associated with tree planting. However, Ms Leith observed that the recommended rules in Chapter 30 specifically exclude such earthworks and so the recommended new definition would not provide the desired relief, and would in fact be inconsistent with the rules recommended in Chapter 30. We note also the Stream 5 Hearing Panel's conclusion¹⁰⁵ that the recommended rules were essentially as proposed by Transpower's planning witness. Accordingly, we do not accept the need for the suggested definition.

6.29. Ecosystem Services:

223. Ms Leith recorded that there were two submissions on this definition, one from the Council in its corporate capacity¹⁰⁶, and the other from Ms Brych¹⁰⁷.
224. The Council's submission sought substantive changes to the definition, adopting a definition provided by Landcare Research.
225. Ms Brych sought that the definition should be re-written to cover more than just the services that people benefit from.

¹⁰¹ Submission 768

¹⁰² A Leith, Reply at 22.1

¹⁰³ Submission 805

¹⁰⁴ Refer Report 8, Section 5.15

¹⁰⁵ Ibid

¹⁰⁶ Submission 383

¹⁰⁷ Submission 243

226. Ms Leith observed that the notified definition is practically identical to the definition in the Proposed RPS which is now beyond appeal in this respect. While, as a matter of law, we are not required to give effect to the proposed RPS, there appears no utility in contemplating amendments to take this definition to a position where it is inconsistent the definition we now know will form part of the future operative Regional Policy Statement.
227. As regards Ms Brych’s submission, Ms Leith provided additional commentary in her reply evidence to the effect that while a wide range of flora and fauna benefit from ecosystem services, that term is usually identified in the PDP alongside ‘nature conservation values’, ‘indigenous biodiversity’ and ‘indigenous fauna habitat’. She was of the view, and we agree, that the PDP therefore already addresses those other attributes in another way. Ms Brych did not appear to support her submission, or to explain why we should accept it in preference to adopting the Proposed RPS definition.
228. Accordingly, we recommend acceptance of Ms Leith’s revised definition which varies from the notified version only by way of the minor wording and formatting changes shown in Appendix 1.

6.30. Educational Facilities:

229. Ms Leith recommended deletion of this definition and substitution of a new definition for ‘education activity’, reflecting an officer recommendation we now know the Stream 6 Hearing Panel has accepted. Ms Leith also recommended a minor grammatical amendment to the definition of education activity. We heard no evidence that would suggest that we should not accept these recommendations¹⁰⁸ or take a different view. Accordingly, we recommend deletion of the definition of ‘education facility’ and insertion of the suggested definition of ‘education activity’.

6.31. Electricity Distribution Corridor and Electricity Distribution Lines:

230. Ms Leith recommended two new definitions, consequent on recommendations to the Stream 5 hearing committee considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel has not recommended insertion of these definitions and accordingly, we do not accept Ms Leith’s recommendation either.
231. We note, however, that the Stream 5 Hearing Panel recommends a new definition of ‘electricity distribution’, responding to a submission of Aurora Energy¹⁰⁹, and intended to include those electricity lines that do not form part of the National Grid, reading as follows:
- “Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.”*

232. We heard no evidence to cause us to take a different view, accordingly, we recommend inclusion of the suggested new definition¹¹⁰.

6.32. Energy Activities:

233. Ms Leith recommended a definition of this term be inserted consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 30. That Hearing Panel recommends that the suggested definition be varied to delete the initial reference to the generation of energy

¹⁰⁸ Ms McMinn supported that recommendation in her evidence for Ministry of Education

¹⁰⁹ Submission 635

¹¹⁰ Refer Report 8 at Section 6.6

and to make it exclusive, rather than inclusive. We adopt the recommendation of the Stream 5 Hearing Panel¹¹¹ with the minor change recommended by Ms Leith – decapitalising the bullet pointed terms.

6.33. Environmental Compensation:

234. Ms Leith recommended a new definition of this term, consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel accepted the suggested new definition¹¹² and we heard no evidence to cause us to disagree.

6.34. Exotic:

235. Initially, Ms Leith recommended only a minor formatting change to this definition in her section 42A Report (consistent with the recommendations of the Stream 5 Hearing Panel that considered submissions on the term). We discussed with her, however, what the reference in the suggested definition to species indigenous “to that part of the New Zealand” means.

236. Putting aside the typographical error, which part?

237. In her reply evidence Ms Leith suggested that the definition should be clarified to refer to species not indigenous to the District. Having reflected on the point, we admit to some discomfort with the suggested revision of the definition because we consider it has potentially significant effect given the implication that what is exotic is (by definition) not indigenous. We have not previously seen a definition of indigenous flora and fauna that was more specific than New Zealand as a whole. We also wonder whether it is practical to determine whether species are indigenous to Queenstown-Lakes District, or whether they might have been imported from other parts of New Zealand, potentially as far away as Cromwell or Tarras, and indeed, whether that should matter.

238. Adopting a narrower definition than one relating to New Zealand as a whole is also, in our view, potentially inconsistent with section 6(c) of the Act. Both the Operative and the Proposed RPS likewise define “*indigenous*” as relating to New Zealand as a whole.

239. Last but not least, the definition of ‘indigenous vegetation’ in Chapter 2 similarly takes a New Zealand wide focus. We cannot understand how vegetation could be both exotic and indigenous for the purposes of the PDP.

240. This reasoning suggests to us that we should leave well-enough alone.

241. Accordingly, the only amendments we recommend to this definition are to adopt the formatting change Ms Leith recommended (shifting reference to trees and plants into the defined term) and to correct the typographical error in the second line, deleting the word “*the*”.

6.35. External Appearance:

242. Ms Leith recommended a reformatting change to this definition, shifting reference to buildings into the defined term. We consider this is a minor change that aids understanding and we support that recommendation.

¹¹¹ Among other things, suggesting that energy might be generated contradicts the first law of thermodynamics

¹¹² Refer Report 4A, Section 51.2

6.36. Factory Farming:

243. Ms Leith recommended that this definition be amended so that rather than including the three bullet pointed matters it should “mean” those three matters i.e. converting the definition from being inclusive to exclusive. In her Section 42A Report, Ms Leith explained that the definition is unclear whether the list is intended to be exhaustive or not. She recommended that this be made clear¹¹³.
244. As far as we can establish, there is no submission seeking this change. Rather the contrary, the submissions of Federated Farmers of New Zealand¹¹⁴ and Transpower New Zealand¹¹⁵ both sought that the existing definition be retained. Those submissions were before the Stream 2 Hearing Panel that does not recommend any change to the existing definition.
245. Ms Leith did not explain the basis on which she determined that the definition of ‘factory farming’ was intended to be exclusive and it is not obvious to us that that is the intention. Accordingly, we regard this as a substantive change falling outside Clause 16(2) and we do not accept it. We therefore recommend that the definition remain as notified, other than by way of the minor grammatical change suggested by Ms Leith (decapitalising the first word in each of the bullet points).

6.37. Farm Building:

246. Ms Leith recommended a minor grammatical change to this definition (shifting the location of the word “excludes”). We agree that the definition reads more easily with the suggested change and we recommend that it be amended accordingly.

6.38. Flat Site:

247. Ms Leith recommended that a definition for this term be inserted, consequent on a recommendation to the Stream 6 Hearing Panel that has the effect that the definition of ‘flat site’ previously found in notes to rules in Chapters 7, 8 and 9 is converted to a definition in Chapter 2¹¹⁶. The Stream 6 Hearing Panel accepts the desirability of distinguishing between flat and sloping sites¹¹⁷. Ms Leith also suggested a minor grammatical change that we believe improves the definition. We heard no evidence seeking to contradict Ms Leith’s recommendation. Accordingly, we recommend that the slightly varied definition Ms Leith also suggested be inserted, as shown in Appendix 1 to this Report.

6.39. Floor Area Ratio:

248. Ms Leith recommended deletion of this definition consequent on a recommendation to the Stream 6 Hearing Panel. The Stream 6 Hearing Panel accepted that recommendation¹¹⁸ and we had no reason to take a different view.

6.40. Formed Road:

249. Federated Farmers¹¹⁹ sought that this definition be amended to distinguish between publicly and privately owned roads in the District.

¹¹³ Refer Section 42A Report at 30.4

¹¹⁴ Submission 600: Supported in FS1209 and FS1342; Opposed in FS1034

¹¹⁵ Submission 805

¹¹⁶ Refer Report 9A, Section 37.1

¹¹⁷ Refer the discussion in Report 9A at Section 37.1

¹¹⁸ Report 9A at Section 36.8

¹¹⁹ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040

250. Ms Leith referred us to the definition of 'road' which, in her view, means that a 'formed road' must necessarily be a formed public road. When Federated Farmers appeared before us, its representative accepted Ms Leith's analysis, as do we. Accordingly, we recommend that the submission be rejected.

6.41. Ground Level:

251. As notified, this definition had the effect that where historic ground levels have been altered by earthworks carried out as part of a subdivision under either the Local Government Act 1974 or the Act, ground level is determined by a reference to the position following that subdivision, but otherwise, any historic changes in actual ground level do not affect the ground level for the purposes of the application of the PDP.

252. This position was the subject of two submissions. Nigel Sadlier¹²⁰ sought that the definition be retained as proposed. We note in passing that that submission was itself the subject of a further submission¹²¹ seeking to alter the definition. The Stream 1B Hearing Panel discussed the permissible scope of further submissions in Report 3. We refer to and rely on the reasoning in that report¹²², concluding, therefore, that this is not a valid further submission that we can entertain.

253. The second submission of this definition is that of Arcadian Triangle Limited¹²³. This submission focussed on the third bullet point of this definition which, as notified, read as follows:

“Earthworks carried out as a part of a subdivision” does not include earthworks that are authorised under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent.”

254. The submission makes the point that for a period prior to Plan Change 49 becoming operative on 29 April 2016, the Council routinely required subdividers to obtain land use consent for earthworks associated with their subdivision (following a policy decision to this effect). This bullet point accordingly had the potential to alter ground levels for future purposes where they have been changed as a result of earthworks that were actually associated with subdivision. The submitter sought that the bullet point apply to the position after 29 April 2016. Ms Leith agreed with the point made by the submitter and recommended that the relief sought be granted.

255. Ms Leith also recommended (as minor changes) that three of the notified notes to this definition should be relocated into the definition itself, and that a statement at the end of the notified definition that it did not apply to the Remarkables Park Zone or the Industrial B Zone should be deleted.

256. We agree with Ms Leith's recommendations, as far as they go but we have a fundamental problem with the definition insofar as it requires an inquiry as to what the ground level was prior to earthworks being carried out "at any time in the past". We discussed with Ms Leith the futility, for instance, of seeking to establish what changes gold miners operating in the 1860s made to the pre-existing ground level and whether it would be more practical to

¹²⁰ Submission 68

¹²¹ Of Erna Spijkerbosch – FS1059

¹²² Report 3 at Section 1.7

¹²³ Submission 836

nominate a specific date before which any changes to the pre-existing ground level could be ignored.

257. Ms Leith provided us with further information in her evidence in reply. Apparently, the original definition of 'ground level' in the ODP nominated the date of the ODP's public notification as just such a reference point but this posed problems because establishing ground level at that date (10 October 1995) was found to be difficult and in some cases impossible. Plan Change 11B was promulgated to address the issue and the notified definition in the PDP reflects the resolution of appeals through the Environment Court. Given that the current definition appeared to be the combination of much previous assessment and consideration, she did not recommend any additional amendments to it.
258. Ms Leith did not refer us to an Environment Court decision settling appeals on Plan Change 11B and we could not locate one ourselves. We infer that the resolution of appeals may have been by way of consent order.
259. Be that as it may, and with due respect to the Court, it appears to us to be illogical to address a problem caused by the inability to establish ground levels at a date in 1995, by putting in place a regime requiring knowledge of ground levels at all times in the past, that is to say tens if not hundreds of years before 1995.
260. The obvious solution, it seems to us, is to nominate a reference point when there was adequate knowledge of ground levels across the District, possibly in conjunction with provision for an earlier date if public records provide adequate certainty as to the historic ground level. For this reason, the Chair included this definition as one of the points recommended for variation in his 22 May 2017 Minute.
261. In the meantime, however, we have no jurisdiction to recommend a material change to the definition of 'ground level' from that recommended by Ms Leith. Appendix 1 therefore reflects those changes only.
- 6.42. Hanger:**
262. Ms Leith recommended a change to this definition (to insert the word "means") consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone. The Stream 8 Hearing Panel concurred¹²⁴ and we had no basis to take a different view.
- 6.43. Hazardous Substance**
263. This definition was the subject of a submission from the Oil Companies¹²⁵ supporting the existing definition. Ms Leith recommended only minor formatting changes that do not make any difference to the meaning of a definition. We accept her recommendations in that regard. The relevant changes are as shown in Appendix 1 to this report.
- 6.44. Height:**
264. Ms Leith recommended a minor formatting change to this definition and deletion of reference to assessment of height in the Three Parks Zone, recognising that that zone is not part of the PDP. We agree with Ms Leith's suggestions on both points and the revised definition in Appendix 1 to this Report shows the relevant changes.

¹²⁴ Refer Report 11 at Section 63.1

¹²⁵ Submission 768

6.45. Heritage Landscape:

265. We recommend deletion of this definition, consequent on the recommendation of the Stream 3 Hearing Panel concerning Chapter 26 – Historic Heritage that this term not be used in Chapter 26¹²⁶.

6.46. Home Occupation:

266. Ms Leith recommended an amendment to this definition to delete the final sentence, stating the position applying in the Three Park Zone, given that that Zone is not part of the PDP. We agree with that recommendation for the reasons set out above.

6.47. Hotel:

267. This definition was the subject of a submission¹²⁷ pointing out that there appeared to be a word missing. Ms Leith accepted the point and recommended a minor change to correct the error, together with minor reformatting changes. We accept Ms Leith's suggestions and the revised version of the definition in Appendix 1 shows the relevant changes.

6.48. Indigenous Vegetation:

268. Ms Leith recommended a change to this definition consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel agreed with that recommendation (to refer to vascular and non-vascular plants) and we had no evidence to suggest that we should take a different view.

6.49. Indoor Design Sound Level:

269. In Appendix 1, we have corrected the reference to L_{dn} , to reflect the defined term.

6.50. Informal Airport:

270. Ms Leith recommended a minor non-substantive change to the note to this definition.

271. We agree that her suggested change shown in Appendix 1 to this Report provides greater clarity and recommend it accordingly.

6.51. Internal Boundary:

272. Ms Leith recommended that the note referring the reader to other definitions is unnecessary. We agree and recommend that it be deleted.

6.52. Kitchen Facility:

273. Ms Brych¹²⁸ suggested in her submission that this definition is not very clear but did not identify either the particular problem with it, or how it might be amended to address any issue. Ms Leith was unsure as to what was not clear, as were we. Accordingly, we do not recommend any change to the definition.

6.53. Landside:

274. Ms Leith recommended a minor change consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17- Airport Zone. That Panel agreed and we have no basis to disagree with the suggested revision shown in Appendix 1 to this Report.

¹²⁶ Refer Report 5 at Section 3

¹²⁷ Christine Brych – Submission 243; Opposed by FS1224

¹²⁸ Submission 243; Opposed by FS1224

6.54. Liquor:

275. Consistent with the general approach we suggested to her, Ms Leith recommended that this definition set out in full the defined term rather than cross referencing the definition in the Sale and Supply of Alcohol Act 2012. However, on this occasion, the definition is so detailed that we think the cross reference to the legislation from which it is taken is appropriate.

276. Accordingly, we recommend that the notified definition be retained.

6.55. Lot:

277. Ms Leith recommended a minor formatting change (to shift the reference to subdivision into the defined term). We agree that this is clearer and recommend the amendment shown in Appendix 1 to this Report.

6.56. Low Income:

278. Ms Leith recommended minor formatting changes to remove unnecessary capitals in this definition. We agree and Appendix 1 shows the relevant changes.

6.57. MASL:

279. Ms Leith recommended that this definition be shifted to the separate section she recommended containing acronyms used in the PDP. While, as defined, it is indeed an acronym (standing for metres above sea level), reference to it raises a more substantive issue.

280. Given the continuous and ongoing rise in sea levels, use of the literal meaning of MASL as a fundamental reference point in the PDP is unsatisfactory. The Chair's 22 May 2017 memorandum recommended that Council promulgate a variation to define sea level as 100 metres above Otago Datum in order to provide a reference point that will not shift over time. We have no scope to make that change ourselves in the absence of any submission, but anticipating a possible variation, we recommend in the interim that 'MASL' remain in the first section of Chapter 2, rather than being shifted into a separate section of acronyms.

6.58. Mast:

281. In her tabled evidence for QAC, Ms O'Sullivan drew our attention to a potential issue with the definitions of 'mast' and 'antenna', because both of those terms are framed as being specific to telecommunications. Ms O'Sullivan's concern was that the rules in Chapter 30 governing installation of masts and antenna would not, therefore, address structures used for radio communications, navigation or metrological activities – all matters of obvious importance to QAC.

282. Ms O'Sullivan accepted that QAC had not filled a submission with respect to these definitions but drew our attention to the issue in case we could identify scope to address the point.

283. Ms Leith's initial view was that there was no scope to broaden the definitions. We canvassed various possible options in discussions with Ms Leith, but she remained of the view that there was no scope through submissions to recommend these changes.

284. We think that Ms O'Sullivan's concern might be slightly overstated because the ordinary natural meaning of telecommunications includes communications by way of radio waves and to the extent that navigation and metrological facilities on masts and antenna communicate data, they might similarly be considered to fall within the existing definitions. To the extent that this is not the case, however, we have insufficient evidence to conclude that broadening

the definitions to provide more clearly for these facilities would be a minor change for the purposes of Clause 16(2). Accordingly, we conclude that this is a matter which should be addressed by the Council by a way of variation, as Ms Leith recommended to us.

6.59. Mineral Exploration:

285. Ms Leith recommended a new definition for this term consequent on recommendations to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone

286. The Stream 2 Hearing Panel agreed with that recommendation. Ms Leith, however, suggested two changes to the definition considered by the Stream 2 Hearing Panel. The first is non-substantive in nature (deleting “any” in the third line). The second, however, is more problematic, in our view. The definition recommended to, and accepted by the Stream 2 Hearing Panel had the concluding words “*and to explore has a corresponding meaning*”. Ms Leith suggested that this be deleted on the basis that the definition relates to exploration. While this is correct, the extra words provide for a change of grammatical form (from a noun to a verb) and make it clear that the definition applies to both. We think for our part that that is helpful and we disagree with Ms Leith’s recommendation in that regard. Appendix 1, accordingly, only shows the minor change noted above from the version recommended by the Stream 2 Hearing Panel.

6.60. Mineral Prospecting:

287. Ms Leith recommended a new definition of this term be inserted consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. That Hearing Panel concurred. Ms Leith has suggested only a minor grammatical change (decapitalising the initial word in each bullet point). We had no evidence to suggest substantive changes to the definition from that recommended by the Stream 2 Hearing Panel, but we agree that the minor grammatical change suggested by Ms Leith is appropriate. Appendix 1 to this Report shows the revised definition.¹²⁹

288. As a consequential change, the existing definition of ‘prospecting’ should be deleted.

289. Before leaving this term, however, we should note the concern expressed by the Stream 2 Hearing Panel that the way the definition is expressed (being inclusive rather than exclusive) does not accord with the apparent intent – that it describe a low impact activity. The Panel suggested that Council needed to revise it in a future variation. We concur.

6.61. Mini and Micro Hydro Electricity Generation:

290. Ms Leith recommended a minor amendment to insert the word “*means*” at the start of the defined term. The suggested amendment does not alter the meaning, but is consistent with how other defined terms are framed. We accordingly recommend that change.

6.62. Mining Activity:

291. Ms Leith recommended a substantive change to this definition consequent on a recommendation to the Stream 2 Hearing Panel, considering Chapter 21 – Rural Zone, subject only to minor reformatting changes. This recommendation has been overtaken by the Stage 2 Variations, which propose amendments to the notified definition and thus we need not consider it further, although we note that a new definition of ‘mining’ has been inserted into our recommended revised Chapter 2 consequent on the recommendation of the Stream 2 Hearing Panel.

¹²⁹ Report 4A at Section 4.12

6.63. Minor Alterations and Additions to a Building:

292. Ms Leith suggested amendments to this definition consequent on recommendations to the Stream 6 Hearing Panel considering Chapter 10 – Arrowtown Residential Historic Management Zone and accepted by that Hearing Panel¹³⁰. We had no basis to take a different position. The defined term is, however, specific to Chapter 10, and so it needs to be noted as such. Accordingly, Appendix 1 to this Report shows the relevant changes.

6.64. Minor Upgrading:

293. Ms Leith recommended a series of changes to this definition consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel largely accepts that recommendation (changing only the tense of the introduction of the specified items: “shall include” to “includes”). Ms Leith adopted that recommendation subject only to minor formatting changes. Ms Bould’s tabled statement for Transpower New Zealand Limited¹³¹ drew our attention to the evidence of Ms McLeod for Transpower in the context of the Stream 5 hearing seeking provision in the definition for a 15% increase to the height of support structures. Although not apparent from Ms Bould’s statement, the relief supported by Ms McLeod suggests that the proposed increase could only occur when necessary to comply with NZECP 34:2001, and so is more limited than would appear to be the case.

294. Be that as it may, Ms Bould provided us with no additional evidence not already put before the Stream 5 Hearing Panel. In addition, Ms Leith drew our attention to the difficulty in judging compliance with such a permitted activity condition and to the potential for significant increases to the height of support structures incurring incrementally over time as permitted activities¹³².

295. We are unsure whether the second point is a valid concern given that the relief supported by Ms McLeod is limited to extensions necessary to provide clearance under the NZECP, but ultimately, we have no basis on which to form a different view to the Stream 5 Hearing Committee.

296. Ms Irving drew our attention to the evidence for Aurora Energy¹³³ in the Stream 5 Hearing in her tabled memorandum, but provided no additional evidence or argument to cause as to doubt the conclusions of the Stream 5 Hearing Panel. Accordingly, we do not recommend that the definition be extended further from that recommended by the Stream 5 Hearing Panel, other than to make it clear that it is limited in application to Chapter 30.

297. We also heard evidence from Ms Black for Real Journeys Limited¹³⁴, who sought an expansion of the definition to provide for upgrades to infrastructure other than electricity transmission. The particular point of concern to Ms Black was the need to provide from time to time for upgrades to wharves. After the conclusion of the hearing, Ms Black provided us with suggested wording for a revised definition (2 options).

¹³⁰ Report 9A at Section 36.10

¹³¹ Submission 805

¹³² Refer Leith reply evidence at 21.2

¹³³ Submission 635: Supported in part in FS1301; Opposed in FS1132

¹³⁴ Submission 621

298. Ms Leith did not support the suggested amendment of the ‘minor upgrading’ definition¹³⁵. Ms Leith observed that the requested relief went beyond a change to the definition and would require new rules which have not been recommended in the Stream 5 Hearing Report. In our view, there would be no point providing an amended definition if the term is not used in the context of an upgrade other than electricity infrastructure.
299. In addition, we have a concern that upgrades of wharves located in sensitive rural areas such as at Walter Peak, might have significant adverse effects.
300. Last but not least, Real Journeys Limited did not seek an amendment to this definition in its submission and we could not identify any jurisdiction for the relief now sought.
301. Accordingly, our revised version of the definition in Appendix 1 is limited to the amendments referred to above.

6.65. Moderate Income:

302. Ms Leith recommended minor amendments (decapitalising words) in this definition that we agree are desirable for consistency reasons. Appendix 1 shows the suggested amendments.

6.66. National Grid:

303. Ms Leith recommended a new definition of this term, arising out of the Stream 5 Hearing in relation to Chapter 30 – Energy and Utilities. The recommended definition in that hearing suggested a cross reference to the Resource Management (National Environmental Standards for Electricity) Transmission Activities Regulations 2009 which define what the National Grid is. The Stream 5 Hearing Panel accepted the desirability of having a definition in the terms recommended, but consistent with the general approach for such cross references, Ms Leith suggested reproducing what the regulations actually say. While we agree that this is more user-friendly, the definition in the Regulations refers to the ownership of the National Grid as at the commencement of the regulations which, if retained, defeats the intention of making the Chapter 2 definition self-contained. We recommend replacing that with a cross reference to notification of the PDP. Given that Transpower has owned the National Grid at all material times, this change falls within Clause 16(2).

6.67. National Grid Corridor:

304. Ms Leith recommended deletion of this definition and its replacement by a new term (National Grid Subdivision Corridor) consequential on recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The new term is proposed to have the same definition save for a minor non-substantive amendment to the note, and a grammatical change in the second line (delete the word “*the*”).
305. The description of the area either side of national grid lines was the subject of discussion in both the Stream 4 and Stream 5 hearings. The recommendations from those Hearing Panels are that the term used in the relevant rules should be ‘National Grid Corridor’, that is to say, the notified defined term. Accordingly, we reject Ms Leith’s recommendation in that regard. In addition, we think it is unnecessary to state (in the same note) that the term does not include underground lines – the opening words of the definition make it perfectly clear that it only relates to above ground lines. However, the amendment she suggested to what was formerly the note aids understanding of the inter-relationship between the defined term and any lines that are designated and so we recommend that ‘National Grid Corridor’ be amended as shown in Appendix 1.

¹³⁵ Refer A Leith, Reply at 21.3

6.68. National Grid Sensitive Activities:

306. Ms Leith recommended a revised definition for this term, reflecting recommendations to the Stream 5 Hearing Committee considering Chapter 30 – Energy and Utilities, subject to minor grammatical changes (removing capitalisation of initial words in bullets and a surplus “*the*”). The Stream 5 Hearing Panel agreed with the recommendation. We heard no evidence to suggest that we should take a different view other than a consequential change to reflect our recommendation above to delete the definition of “education facility” and in relation to Ms Leith’s suggested minor additional changes. Accordingly, we recommend the revised definition in the form set out in Appendix 1.

6.69. National Grid Yard:

307. Ms Leith recommended an amendment to this definition (to replace the diagram), reflecting a recommendation to the Stream 5 Hearing Panel, together with a minor non-substantive change to the former note to the definition. The Stream 5 Hearing Panel accepted the recommendation to amend the diagram and we heard no evidence to suggest that we should take a different view. As regards the note, we consider that as with the definition of ‘national grid corridor’, it is preferable that the body of the definition makes clear that it relates to overhead lines, rather than that being stated in a note.

308. Accordingly, we recommend that amended definition set out in Appendix 1.

6.70. Nature Conservation Values:

309. Ms Leith recommended a revised definition for this term, reflecting a recommendation to the Stream 1B Hearing considering Chapter 3 – Strategic Direction. The Report of the Stream 1B Panel recommends a slightly different definition which refers at the end to habitats rather than landscapes and inserts reference to ecosystem services as an aspect of natural ecosystems, but otherwise accepts the staff recommendation. The only submission on this term listed for hearing in Stream 10 was that of X-Ray Trust Limited¹³⁶, which sought a definition of the term, but did not suggest how it should be worded. Accordingly, we have no basis on which to disagree with the Stream 1B Hearing Panel and recommend a revised definition in the terms set out in Appendix 1.

6.71. Navigation Facility:

310. The Airways Corporation of New Zealand Limited¹³⁷ sought a new definition for this term. Wording was provided in the submission.

311. Ms Leith’s Section 42A Report however identifies that as a result of recommended amendments, the term is no longer used in Chapter 30. Accordingly, in her view, there is no utility in inserting a definition for it¹³⁸. While that is correct, we note that the Stream 1B Hearing Panel has recommended the definition of ‘regionally significant infrastructure’ that refers, among other things, to ‘navigation infrastructure’ associated with Queenstown and Wanaka Airports. It appears to us that, therefore, there is value in defining that term.

312. The definition suggested in the Airways Corporation submission for ‘navigation facility’ was:

“Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft or shipping.”

¹³⁶ Submission 356

¹³⁷ Submission 566: Supported by FS1106, FS1208, FS1253 and FS1340

¹³⁸ Refer Section 42A Report at 14.5

313. While as a matter of fact, navigation infrastructure includes shipping (e.g. at the entrance to Queenstown Bay), the reference to shipping is unnecessary given the context in which the term is used in the PDP, but otherwise we think that the suggested definition is perfectly serviceable. Accordingly, we recommend the submission be accepted in part by inclusion of a new term ‘navigation infrastructure’ defined as:

“Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft.”

6.72. Net Area:

314. Ms Leith recommended a formatting change to this definition to shift the reference to sites or lots into the defined term, consistent with the approach to other terms in Chapter 2. This is a minor non-substantive change, but we agree that with some simplification, it improves readability. Accordingly, we recommend revision of the term as shown in Appendix 1.

6.73. Net Floor Area:

315. Ms Leith recommended a minor wording change to substitute “*means*” for “*shall be*” at the start of this definition. The end result is the same so it falls within Clause 16(2). We agree with the suggested change, which makes the definition consistent with other terms in Chapter 2.

6.74. Noise Event:

316. Ms Leith recommended correction of a typographical error in the fourth line of this definition that was also noted by the Stream 5 Hearing Panel. We agree that this is a minor error that should be corrected under Clause 16(2).

6.75. No Net Loss:

317. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel accepted that recommendation and we heard no evidence which would provide us with a basis to take a different view. Accordingly, we recommend a new definition in the terms set out in Appendix 1.

6.76. Notional Boundary:

318. Ms Leith recommended amendment to this definition, reflecting a change recommended to the Stream 5 Hearing Panel considering Chapter 36 – Noise (to refer to “*any side*” of a residential unit rather than to “*the facade*”) together with a minor grammatical change (“*any*” to “*a*”). The Stream 5 Hearing Panel agreed with the staff recommendation and we heard no evidence that would give us a basis to take a different view. We also agree that the minor additional change suggested by Ms Leith aids readability. Accordingly, we recommend a revised definition in the terms set out in Appendix 1.

6.77. Outer Control Boundary (OCB) Queenstown:

319. Ms Leith recommended deletion of this term, reflecting a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone to consolidate this definition with that of ‘Outer Control Boundary (OCB) Wanaka’. The Stream 8 Hearing Panel accepted that recommendation and we heard no evidence that would cause us to take a different view. Accordingly, we likewise recommend its deletion.

6.78. Outer Control Boundary (OCB) Wanaka:

320. Ms Leith recommended amendments to this definition that reflected some (but not all of the) changes suggested to the Stream 8 Hearing Panel considering Chapter 17. In particular, the version of the definition recommended by Ms Leith in her section 42A Report retained reference to a date which was omitted from the definition recommended to and accepted by the Stream 8 Hearing Panel. In her tabled evidence for QAC, Ms O’Sullivan pointed out that any reference to a date in this definition needed to acknowledge that the relevant dates were different as between Queenstown and Wanaka. When Ms Leith appeared, we also discussed with her the potential ambiguity referring to “*future predicted day/night sound levels*” – that might be taken to mean future predictions rather than the current prediction of the position at a future date (as intended). Ms Leith suggested amendments to address both points.
321. We think it is preferable to specify the reference date at both airports (as Ms Leith suggests) rather than leave that open (as the Stream 8 Hearing Panel’s recommendation would do) to be clearer what it is that the OCBs seek to do. Accordingly, we recommend acceptance of Ms Leith’s revised definition, as shown in Appendix 1.

6.79. Passenger Lift System:

322. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. The Stream 2 Hearing Panel accepted that recommendation.
323. Remarkables Park Limited¹³⁹ and Queenstown Park Limited¹⁴⁰ supported the suggested definition before us. We also received written legal submissions from Mr Goldsmith representing Mount Cardrona Station Limited¹⁴¹ expressing concern about the way in which the suggested definition was framed. However, when Mr Goldsmith appeared before us, he advised that on further reflection, he considered the concerns expressed in his written submissions unfounded and he withdrew them.
324. We discussed with Mr Williams, the planning witness for Remarkables Park Ltd and Queenstown Park Ltd, the logic of confining the definition of ‘passenger lift system’ to systems that transport passengers within or to a ski area sub-zone, given that the most visible (and well-known) passenger lift system in the District (the Skyline Gondola) does neither. Mr Williams advised that from a planning perspective, there was merit in broadening the definition and addressing the need for specific provisions governing lift systems in and around ski areas through the rules of Chapter 21. In her reply evidence however, Ms Leith advised that the submission the recommendation responded to was that of Mount Cardrona Station Limited, which was limited to integration between ski area sub-zones and nearby urban and resort zones. She advised further that neither that submission, nor the other submission seeking similar relief provided jurisdiction for definition of a passenger lift system not in the context of a ski area sub-zones, and therefore there was no jurisdiction to make the change we discussed with Mr Williams.
325. We accept that analysis. We contemplated a recommendation that the PDP be varied to provide for passenger lift systems not associated with ski area sub-zones, but given the Skyline Gondola was the subject of resource consent applications to permit a major refurbishing of

¹³⁹ Submission 807

¹⁴⁰ Submission 806

¹⁴¹ Submission 407: Supported in FS1097, FS1329 and FS1330

the existing facility that were before the Environment Court around the time of our hearing, we do not regard this as necessary at this point.

326. Given the lack of jurisdiction we have noted, we have no basis to recommend a change to the definition from that suggested by Ms Leith. Appendix 1 shows the suggested new definition.

6.80. Photovoltaics (PV):

327. Again, Ms Leith recommended a minor non-substantive change to improve consistency of expression in the Chapter. We agree with her suggested change, which is shown in Appendix 1.

6.81. Potable Water Supply:

328. In her Section 42A Report, Ms Leith noted (in the context of her discussion of the definition of the word 'site') her understanding that it is ultra vires to refer to future legislation within the PDP via a term such as 'replacement Acts'. Ms Leith's position reflected the legal submissions made to us by counsel for the Council. The reason why reference to future legislation is ultra vires is due to the uncertainty as to what that future legislation may contain.

329. When Ms Leith appeared before us, we inquired whether the same principle that counsel had made submissions on and she had accepted would apply to the definition of Potable Water Supply which, as notified, refers to the current drinking water standard "*or later editions or amendments of the Standards*". In her reply evidence, Ms Leith confirmed that the reference to future versions of the drinking water standards was an issue and recommended that it be deleted, in conjunction with a minor consequential amendment. We agree that this is appropriate. Because the deleted phrase is ultra vires and of no effect, its removal is a minor change within Clause 16(2).

6.82. Precedent:

330. Alan Cutler¹⁴² submitted that a definition of 'precedent' should be included in the PDP. Mr Cutler's reasons appeared to relate to the decisions of Council in relation to implementation of the ODP. Ms Leith advised, however, that the term is not used within the PDP. On that ground, and because the law on the significance of precedents in decisions under the Act is still evolving, she recommended definition not be included in Chapter 2. We agree, essentially for the same reasons, and recommend that this submission be declined.

6.83. Projected Annual Aircraft Noise Contour (AANC):

331. Ms Leith recommended a correction to the cross reference to the designation conditions, reflecting a recommendation accepted by the Stream 8 Hearing Panel considering Chapter 17 – Condition 13, not Condition 14.

332. We have no reason to take a different view and Appendix 1 reflects the suggested change.

6.84. Public Place:

333. This definition refers to the "*District Council*" when the defined term (council) should be used. Appendix 1 reflects that change.

6.85. Radio Communication Facility:

334. Ms Leith recommended a new definition for this term be inserted, accepting the submission of Airways Corporation of New Zealand Limited¹⁴³ in this regard. Ms Leith identified that although 'radio communication facility' was no longer an activity in its own right, following

¹⁴² Submission 110

¹⁴³ Submission 566: Supported by FS1106, FS1208, FS1253 and FS1340

recommended amendments to the Stream 5 Hearing Panel considering Chapter 30 Energy and Utilities, the term was used in the recommended definition of ‘regionally significant infrastructure’ and on that account, it is useful to have it defined.

335. In her reply evidence¹⁴⁴, Ms Leith noted that the reference to the Radio Communications Act 1989 at the end of the definition sought by the submitter was unnecessary and recommended its deletion. We agree both that the definition of the term is desirable for the reasons set out in Ms Leith’s Section 42A Report (given our recommendation to accept that aspect of the definition of “regionally significant infrastructure”) and that the reference to the Radio Communications Act 1989 sought by the submitter should be deleted (not least because that Act does not actually define the term “*Radio Communication Facility*”). Accordingly, we recommend that this submission be accepted in part with a new definition as set out in Appendix 1.

6.86. Recession Lines/Recession Plane:

336. Although not the subject of submission or evidence, we noted as part of our deliberations that this definition (and the accompanying diagrams) are very difficult to understand. They appear designed for the benefit of professionals who already understand the concept of recession planes, and what the diagrams seek to achieve. While there are some aspects of the PDP where lay people may need the assistance of professional advisors, this need not be one of them. We recommend that the Council give consideration to a variation to this aspect of Chapter 2 to provide a definition and interpretative diagrams that might be better understood by lay readers of the PDP. We have attempted to formulate a more readily understood definition ourselves, which is attached to this Report as Appendix 4

6.87. Regionally Significant Infrastructure:

337. Ms Leith recommended insertion of a new definition of this term, reflecting recommendations made to the Stream 1B Hearing Panel considering Chapter 3 – Strategic Direction, supplemented by changes recommended to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. Ms Leith also recommended updating the suggested cross reference to the Resource Management (National Environmental Standards for Telecommunication Facilities Regulations 2016). The Stream 1B Hearing Panel recommended several amendments to the definition of this term, which the Stream 5 Hearing Panel adopted. We have no basis to take a different view from the Hearing Panels that have already considered the matter.

338. We note that we do not consider the suggested cross reference to the Regulations noted above to be helpful as neither ‘telecommunication facility’ nor ‘radio communication facility’ are in fact defined in the Regulations. Our recommendation, reflecting the recommendations we have received from the Stream 1B (and Stream 5) Hearing Panels, is set out in Appendix 1.

6.88. Registered Holiday Home:

339. Ms Leith recommended minor grammatical changes to the definition, deletion of the first advice note and amendment of the second note. However, this definition is the subject of the Stage 2 Variations (which proposes that it be deleted) and thus we need not consider it further.

6.89. Registered Home Stay:

340. Ms Leith recommended deletion of the advice note notified with this application, for the same reason as the corresponding note in relation to ‘registered holiday home’. Again, however, this definition is the subject of the Stage 2 Variations and we therefore do not need to form a view on Ms Leith’s recommendations.

¹⁴⁴ A Leith, Reply Evidence at 9.1

6.90. Relocated/Relocatable Building:

341. Ms Leith recommended amendment to this definition, reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings. The Stream 5 Hearing Panel recommends an additional change (to insert the word “newly”), but otherwise agrees with the recommendation¹⁴⁵. We heard no evidence that would cause us to take a different view although we recommend that the capitalising and bolding of the terms ‘removal’ and ‘re-siting’ be removed, to promote consistency with the use of defined terms. Appendix 1 reflects the recommended end result.

6.91. Relocation:

342. Ms Leith recommended a reformatting change to shift the initial reference to building into the defined term. We agree with that suggested change which promotes greater consistency in Chapter 2. The Stream 5 Hearing Panel also recommends removal of the words “and re-siting’ from this definition to avoid confusion¹⁴⁶. We agree with that change also. Appendix 1 shows the recommended end result.

6.92. Remotely Piloted Aircraft:

343. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone. That Hearing Panel agrees with the recommendation and we had no basis on which to take a different view. Accordingly, our recommended Appendix 1 shows the suggested new definition.

6.93. Removal of a Building:

344. Ms Leith recommended a new definition of this term, reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings. The Stream 5 Hearing Panel agreed with the desirability of a new definition. Ms Leith’s suggested definition shifts some of the definition into the defined term and includes reference to demolition as an express exclusion. Both suggested changes are minor in nature. To promote consistency in the way other terms have been defined in Chapter 2, however, we think that the cross reference to building should be in brackets: i.e. “*Removal (Building)*”. The second suggested change provides a desirable clarification for the avoidance of doubt.

6.94. Renewable Electricity Generation Activities:

345. Ms Leith recommended minor grammatical changes (removing unnecessary capitals for separately defined terms). We agree with the suggested change which promote consistency in the reference to defined terms. Appendix 1 shows the recommended end result.

6.95. Residential Flat:

346. In her Section 42A Report¹⁴⁷, Ms Leith noted that although this term was discussed in the course of the Stream 2 Hearing Panel’s consideration of Chapter 21 – Rural Zone and was the subject of staff recommendations on submissions, that Hearing Panel directed that the relevant submissions be transferred to this hearing. Ms Leith recommended three changes to the notified definition:

- Insert provision for an increased floor area (up to 150m²) in the Rural and Rural Lifestyle Zones;
- Remove reference to leasing;

¹⁴⁵ Refer Report 8 at Section 20.2

¹⁴⁶ Ibid

¹⁴⁷ Section 15

- Delete the second note stating that development contributions and additional rates apply.
347. In the case of the first two suggested changes, Ms Leith adopted the recommendations that had earlier been made to the Stream 2 Hearing Panel.
348. She also referred us to the reasoning contained in her own Section 42A Report to the Stream 6 Hearing Panel, considering Chapter 7 of the PDP.
349. There were a number of submissions on this term that were scheduled for hearing as part of Stream 10:
- a. Dalefield Trustee Limited¹⁴⁸ and Grant Bissett¹⁴⁹, supporting the notified definition.
 - b. Christine Brych¹⁵⁰, seeking clarification as to whether the definition refers to the building or its use.
 - c. QAC¹⁵¹, seeking a limitation that a residential flat is limited to one per residential unit or one per site, whichever is less.
 - d. Arcadian Triangle Limited¹⁵², seeking to replace the limitation on gross floor area with a limitation based on the percentage occupation of the site, to delete reference to leasing or shift that reference into the advice notes and to delete the advice notes or make it clear that they are for information only.
350. Addressing the submission seeking changes to the notified definition, Ms Leith's Chapter 7 Staff Report pointed out that the term 'residential activity' is defined to mean the use of land and buildings. The term 'residential flat' in turn incorporates 'residential activity' as defined. This effectively answers Ms Brych's concern. The definition relates both to the building and the use of the building.
351. Ms Leith (again in the context of her Chapter 7 Report) suggested that there was good reason not to limit sites to a maximum of one residential unit and one residential flat. She pointed in particular to the intent of the PDP to address growth and affordability issues¹⁵³. QAC's tabled evidence did not seek to pursue their submission and thus Ms Leith's reasoning was effectively left uncontradicted. We agree with her reasoning in that regard.
352. Ms Leith's suggested amendment to make special provision for residential flats in the Rural and Rural Lifestyle Zones reflected Mr Barr's reply evidence in the context of the Stream 2 hearing, accepting an argument Mr Goldsmith had made for Arcadian Triangle Limited that the 70m² maximum size reflected an urban context¹⁵⁴. The Stream 2 Hearing Panel agreed with that recommendation, as do we. We also agree with Ms Leith's reasoning in her Chapter 7 Report that a rule that allowed residential flats to be established by reference to the size of the principal residential unit would permit over large residential flats associated with very large residential units. While arbitrary, a maximum floor area provides the appropriate degree of control¹⁵⁵. Accordingly, we recommend that that aspect of the Arcadian Triangle submission may be accepted only in part.

¹⁴⁸ Submission 330

¹⁴⁹ Submission 568

¹⁵⁰ Submission 243: Opposed by FS1224

¹⁵¹ Submission 433: Opposed by FS1097 and FS1117

¹⁵² Submission 836

¹⁵³ Refer Chapter 7 Section 42A Report at 14.21

¹⁵⁴ Refer C Barr Reply Evidence in Stream 2 Hearing at 6.4

¹⁵⁵ Refer Chapter 7, Section 42A Report at 14.23-14.24

353. Ms Leith accepted the underlying rationale of the Arcadian Triangle submission regarding specific reference to leasing. We agree with that reasoning also. A residential flat might be leased. It might be occupied by family members. It might be occupied by visitors on an unpaid basis. We do not understand why, there is any need to refer specifically to a leasehold arrangement, and impliedly exclude other arrangements that the landowners might enter into.
354. Lastly, we agree with Ms Leith's suggested deletion of the note relating to development contributions and rates. Development contributions are levied under the separate regime provided in the Local Government Act 2002. Rates are levied under the Local Government (Rating) Act 2002. The District Plan should not presume how the separate statutory powers under other legislation will be exercised in future.
355. We also do not think there is any necessity to qualify the first note providing clarification as to the relationship between residential flats and residential units as Arcadian Triangle seeks. It does not have substantive effect – it describes the position that would result in the absence of any note.
356. In summary, we recommend that the definition of "*residential flat*", be as suggested to us by Ms Leith to the extent that differs from the recommendation we have received from the Stream 2 Hearing Panel. Appendix 1 reflects that position.

6.96. Residential Unit:

357. Ms Leith recommended deletion of the reference to dwelling in the first line of the notified definition, reflecting in turn, a recommendation to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Residential. That Hearing Panel accepted that recommendation¹⁵⁶.
358. In her Section 42A Report, Ms Leith discussed a submission by H Leece and A Kobienia¹⁵⁷ seeking that rather than focussing on kitchen and laundry facilities, the definition should include flats, apartments and sleepouts on a site that are installed with ablution facilities that enable independent living. The purpose of this submission is to preserve, in particular, rural living amenity values.
359. Ms Leith's response¹⁵⁸ is that the 'residential unit' is the key concept to control the number and intensity of residential activities within each zone. She notes that the definition of 'residential unit' does not incorporate 'residential flats' which are intended to be a minor form of accommodation within the same ownership, but which enable self-contained living separate from the residential unit (potentially we note in a separate building). Ms Leith notes that the PDP enables 'residential flats' in order to promote housing diversity and as a result, did not agree with the submission that residential flats be included within the definition of 'residential units'.
360. Ms Leith also observes that self-contained apartments are already within the definition of 'residential units'.
361. Ms Leith discussed sleepouts, they being buildings capable of residential living that are not completely self-contained and which therefore require access to the 'residential unit'. In her

¹⁵⁶ Refer Report 9A at Section 35.11

¹⁵⁷ Submission 126

¹⁵⁸ A Leith, Section 42A Report at Section 16

view, a sleepout containing only a bathroom and no kitchen could not easily be resided in for long-term purposes without a relationship to the 'residential unit' on the site. She therefore thought that they were appropriately categorised as an accessory building.

362. We canvassed with Ms Leith whether there was a potential problem with sleepouts given that, as an accessory building, they could be located within boundary setback distances. In her reply evidence, Ms Leith discussed the point further. She pointed out that there are rules that apply to accessory buildings within normal setbacks which manage potential adverse effects and that although the ODP permits establishment of sleepouts as accessory buildings now, that has not proven to be a problem in practice. Having tested Ms Leith's reasoning, and in the absence of any evidence from the submitter, we accept her recommendation that the relief sought by the submitter should be declined and that deletion of reference to dwellings in the first line should be the only amendment we recommend. The revised version of the definition in Appendix 1 reflects that position.

6.97. Re-siting:

363. Ms Leith recommended insertion of a new definition, reflecting recommendations to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, but reformatted to include reference to buildings within the defined term. We heard no evidence which would cause us to take a different view about the desirability of having a new definition from the Stream 5 Hearing Panel, which accepted the officer's recommendation¹⁵⁹. However, we recommend that the reference to buildings in the defined term be in brackets for consistency with other definitions in Chapter 2 with a limited subject matter. Appendix 1 shows the recommended end result.

6.98. Resort:

364. As discussed below, in the context of 'Urban Development', the Stream 1B Hearing Panel recommends a definition of this term be added, consequent on the changes it recommends to the definition of 'Urban Development'. Appendix 1 reflects the recommended addition.

6.99. Retail Sales/Retail/Retailing:

365. The definition of this term was the subject of extensive evidence and submissions on behalf of Bunnings Limited¹⁶⁰. The thrust of the case advanced for Bunnings was that building suppliers should be expressly excluded from the definition of 'retail'. The rationale for the Bunnings case was that the very large format enterprises operated by Bunnings do not sit comfortably within the policy framework for retail activities which seek to consolidate retail and commercial activities in town centres. As it was put to us, the result of the existing definition of 'retail' combined with the strategic direction contained in Chapter 3 is that either large-scale trade and building suppliers like Bunnings will be forced to locate in the town centres, which will undermine the objective of locating core retail activities in those areas to create vibrant centres, or alternatively, those large scale trade and building suppliers will be precluded from locating in the District entirely.

366. We discussed the issues posed by the Bunnings submission with Mr Minhinnick, counsel for Bunnings, at some length because it appeared to us that although the submitter had identified a real issue, the suggested solution of excluding trade and building suppliers from the definition of 'retail' was unsatisfactory and, indeed, might even have precisely the opposite result from that which the submitter sought.

¹⁵⁹ Refer Report 8 at Section 20.2

¹⁶⁰ Submission 746: Supported by FS1164

367. More specifically, although the evidence of Ms Davidson for Bunnings was a little coy about the percentage of Bunnings' operations represented by retail sales to the public, compared to sales to builders and other tradesmen, it was clear to us that the typical Bunnings operation has a substantial retail component. On the face of the matter, therefore, it was inappropriate to deem such operations not to be retail activities when they are retail activities¹⁶¹.
368. We also noted that so called 'big box retail' is currently already provided for by the ODP in the Three Parks Area in Wanaka. Assuming the ODP provisions are not materially changed when that part of the ODP is reviewed, if trade suppliers were to be excluded from the definition of 'retail', they would consequently be excluded from establishing within the Three Parks Zone, leaving no obvious site for them in Wanaka.
369. Moreover, Bunnings had not sought a parallel amendment to the definition of 'industrial activity' and its planning witness, Ms Panther Knight, told us that in her view it would be inappropriate to amend that definition to include a Bunnings-type operation.
370. We observed to Mr Minhinnick that the Chapter 3 approach was to avoid non-industrial activities occurring within industrial zoned areas – refer notified Policy 3.2.1.2.3 - suggesting that if a Bunnings-type operation was excluded from the definition of 'retail', and did not fall within the definition of an industrial activity, there might be nowhere within the District, in practice, for it to establish. We invited the representatives of Bunnings to consider these matters and to revert to us if they could identify a more satisfactory solution.
371. Counsel for Bunnings duly filed a memorandum suggesting that, rather than excluding building and trade suppliers from the definition of 'retail', the alternative relief sought by Bunnings was to amend the definition of 'trade supplier'. We will return to the issues raised by Bunnings in the context of our discussion of that definition. Suffice it to say that, as we think Bunnings representatives themselves came to accept, we do not consider an exclusion of building and trade suppliers from the definition of 'retail' to be appropriate. We therefore agree with the recommendation of Ms Leith¹⁶² that the submissions initially made by Bunnings to us be rejected.

6.100. Reverse Sensitivity:

372. Ms Leith recommended a new definition for this term, responding to the submissions of the Oil Companies¹⁶³ and Transpower New Zealand Limited¹⁶⁴. In her Section 42A Report¹⁶⁵, Ms Leith recorded that the Section 42A Report on Chapter 30 – Energy and Utilities reported on Transpower's submission and recommended its rejection on the basis that the term 'reverse sensitivity' has been defined by case law, and there is therefore potential that it might be further redefined. Ms Leith observes, however, that that recommendation (and consequently the Stream 5 Hearing Panel's consideration of the point) did not consider the submission of the Oil Companies seeking a somewhat less verbose definition (than that of Transpower) and the fact that the Proposed RPS has adopted a definition of 'reverse sensitivity' which is identical to that proposed by the Oil Companies. Lastly, Ms Leith observed that no appeals were lodged against the Proposed RPS as regards that definition.

¹⁶¹ Cf *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Councils* [2014] NZHC 3191 on 'factual deeming'

¹⁶² Refer Leith Reply Evidence at 23.2

¹⁶³ Submission 768: Supported by FS1211 and FS1340

¹⁶⁴ Submission 805: Supported by FS1211; Opposed by FS1077

¹⁶⁵ Refer A Leith Section 42A Report at section 17

373. We consider that a definition of reverse sensitivity is desirable given that the term is used in a number of different contexts in the PDP. As Ms Leith observed, given that the Proposed RPS has adopted the meaning advocated by the Oil Companies and that it has not been appealed on the point, there is good reason to do likewise in the PDP context.

374. For that reason, we recommend a new definition of reverse sensitivity accepting the Oil Companies' submission.

6.101. Road Boundary:

375. Ms Leith recommended deletion of the note to this definition as notified. We agree that the note is unnecessary and recommend that it be deleted accordingly.

6.102. Sensitive Activities – Transmission Corridor:

376. Ms Leith recommended deletion of this term, reflecting in turn, the recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel agrees with the recommendation and we heard no evidence that would give us a basis to take a different view. Accordingly, we too recommend its deletion.

6.103. Sensitive Activities:

377. X-Ray Trust Limited¹⁶⁶ sought a definition of “*sensitive activities*” is included within the PDP. The submission was cross referenced to notified Objective 21.2.4 which relates to the conflict between sensitive activities and existing and anticipated activities in the Rural Zone. The submitter did not suggest how the term might be defined. Given that, we would have difficulty inserting a definition which provided anything other than the natural and ordinary meaning of the term, for natural justice reasons. If any definition could only express the natural and ordinary meaning, one has to ask whether it serves any useful purpose.

378. Ms Leith also directed us to the objectives and policies of Chapter 21 which provide clarification as to how sensitivity might be assessed in the rural context. She noted that the specific instance of sensitivity of activities within the National Grid Corridor is addressed by a separate definition.

379. In summary, we agree with Ms Leith's recommendation¹⁶⁷ that there is no need to define the term 'sensitive activities'.

380. We note that the submitter sought also that new definitions of 'valuable ecological remnants' and 'ecological remnants' be inserted. Those terms are only used in Chapter 43 and the Stream 9 Hearing Panel considering that Chapter did not recommend inclusion of new definitions of those terms¹⁶⁸. X-Ray Trust did not provide wording to support its submission and Council has accepted the recommendations of the Stream 9 Hearing Panel (that were released in advance of the reports of other Hearing Panels). We do not consider we have any basis to recommend amendment to these definitions.

6.104. Service Station:

381. Ms Leith recommended a minor non-substantive change to this definition to separate out the exclusion in the second bullet point of the notified definition. We think that it is desirable to separate the exclusion to make the end result clearer, notwithstanding the support of the Oil

¹⁶⁶ Submission 356

¹⁶⁷ A Leith, Section 42A Report at 18.6

¹⁶⁸ Refer Millbrook Recommendation Report 1 September 2017 at 97

Companies¹⁶⁹ for the definition as notified. However, we recommend that the end result be expressed slightly differently, but still ultimately to the same effect. Appendix 1 shows our suggested revision.

6.105. SH6 Roundabout Works:

382. Ms Leith recommended acceptance of New Zealand Transport Agency¹⁷⁰ submission seeking that this definition be deleted as it is part of a notice of requirement. We have already discussed the relationship between Chapter 2 and Chapter 37 (Designations), essentially agreeing with the position underlying this submission. Accordingly, we recommend that the definition be deleted.

6.106. Sign and Signage:

383. Ms Leith's discussion of this issue in her Section 42A Report¹⁷¹ recorded that the Council's corporate submission¹⁷² sought that all definitions relating to signage be replaced with those recently made operative under Plan Change 48. Ms Leith analysed the Plan Change 48 definitions, identifying that the PDP definitions of 'sign and signage' and related terms differ from those in Plan Change 48 only by way of formatting. Ms Leith also noted that the only term related to signage used in the PDP is 'sign and signage'. She recommended that the related terms all be deleted. While we agree with that recommendation for those definitions within our jurisdiction, most of the definitions concerned are the subject of the Stage 2 Variations, and therefore, whether they remain in Chapter 2 will be determined in that process.

384. As regards the definition of 'sign and signage', Ms Leith recommended two changes that she described as non-substantive in nature.

385. The first suggested change is to remove the word "*includes*" in the third bullet point. We agree with that recommendation. Because the definition commences, "*means:...*", use of the word "*includes*" does not fit the form of the definition.

386. The second recommendation related to the notes to the definition addressing corporate colour schemes and cross referencing other terms. That recommendation has been overtaken by the Stage 2 Variations and thus we need not address it further.

387. Accordingly, we recommend that the term be amended to delete the words "*includes*" (in the third bullet point), and leave any consideration of the matters covered by the notified Notes to the Stage 2 Variation hearing process.

6.107. Site:

388. This term has been the subject of discussion at a number of hearings on the PDP. It is of particular importance to the provisions related to subdivision. The Reporting Officer in the Stream 4 hearing (Mr Nigel Bryce) deferred consideration of these issues until this hearing.

389. Ms Leith's discussion of the point¹⁷³ also noted a recommendation from the Reporting Officer in the Stream 6 Hearing Chapter 9 – High Density Residential (Ms Kim Banks) that the definition of 'site' be addressed either at this hearing, or by way of variation.

¹⁶⁹ Submission 768

¹⁷⁰ Submission 719

¹⁷¹ At Section 25

¹⁷² Submission 383

¹⁷³ A Leith, Section 42A Report at Section 19

390. The Stage 2 Variations now propose a new definition of ‘site’. We therefore need not consider it further.

6.108. Ski Area Activities:

391. Ms Leith recommended amendments to this definition, reflecting recommendations to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. That Hearing Panel accepted those recommendations and for our part, we had no basis for taking a different view. Accordingly, we recommend that the definition be amended as shown in Appendix 1.

6.109. Sloping Site:

392. Ms Leith recommended a new definition of this term, reflecting a recommendation made to the Stream 6 Hearing Panel considering Chapter 9 – High Density Residential, but including a minor formatting change to express the new term consistently with other definitions in Chapter 2. The Stream 6 Hearing Panel agreed with the suggested definition¹⁷⁴ and we had no basis to take a different view. Accordingly, Appendix 1 shows the suggested new definition in the terms recommended by Ms Leith.

6.110. Small Cells Unit

393. Ms Leith initially recommended a new definition of the term “*small cells*”, reflecting a recommendation made to the Stream 5 Hearing Panel considering Chapter 30 – Energy & Utilities. The tabled statement of Mr McCallum-Clark on behalf of the telecommunication companies¹⁷⁵ pointed out that the National Environmental Standard for Telecommunication Facilities 2016 provides a definition of small cells (more specifically, for “*Small Cells Unit*”) and recommended that that be used in the PDP. That suggestion accords with the recommendation of the Stream 5 Hearing Panel, reflecting its recommendation that relevant rules refer to “*small cells unit*”.

394. We agree with that recommendation. Appendix 1 shows the revised definition, as per the 2016 NES.

6.111. Solar Water Heating:

395. Ms Leith recommended a minor reformatting change to this definition to make it consistent with the balance of the Chapter 2 definition. We agree with her suggested change and Appendix 1 shows the recommended revised definition.

6.112. Stand-Alone Power Systems (SAPS):

396. Again, Ms Leith recommended minor reformatting/grammatical changes to make this definition consistent with the balance of Chapter 2. We agree with her suggested changes, which are shown in Appendix 1.

6.113. Structure Plan:

397. While not the subject of submission or comment from Ms Leith, we note that the Stream 4 Hearing Panel recommends a definition of ‘Structure Plan’ be inserted into Chapter 2, to assist interpretation of rules that Hearing Panel has recommended be inserted.

398. The suggested definition is:

¹⁷⁴ Refer Report 9A at Section 37.1

¹⁷⁵ Submissions 179, 191 and 781

“Structure Plan means a plan included in the District Plan and includes Spatial Development Plans, Concept Development Plans and other similarly titled documents.”

399. We have no basis to take a different view, and accordingly recommend a new definition in those terms

6.114. Subdivision and Development:

400. At this point, we note the recommendation¹⁷⁶ of the Stream 1B Hearing Panel considering Chapter 6 that we include a definition of ‘Subdivision and Development’. We heard no evidence to suggest we should take a different view and accordingly recommend accordingly. Appendix 1 shows the suggested definition.

6.115. Support Structure:

401. Ms Leith recommended a new definition of this term reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. Mr McCallum-Clark on behalf of the telecommunication companies¹⁷⁷ suggested in his tabled statement that the new definition needed to include reference to telecommunication lines, as the term is used within the definition of ‘minor upgrading’. Ms Leith agreed with that point in the summary of her evidence presented at the hearing. The Stream 5 Hearing Panel, however, notes that the definition sought by the relevant submitter¹⁷⁸ did not include reference to telecommunication lines and concluded that it did not have jurisdiction to recommend a satisfactory definition. We agree and accordingly do not accept Ms Leith’s recommendation¹⁷⁹.

6.116. Telecommunication Facility:

402. Ms Leith recommended deletion of this term consequent on a recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel accepts the suggested deletion¹⁸⁰ and we heard no evidence that would cause us to take a different view.

6.117. Temporary Activities:

403. Ms Leith recommended amendment to this term reflecting recommendations made to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, together with minor grammatical/reformatting changes. The Stream 5 Hearing Panel largely accepts the suggested amendments. It considers, however, that there is no scope to expand the ambit of provision for informal airports and recommends that the final bullet point be amended to provide a limit on that provision¹⁸¹. We heard no evidence that would cause us to take a different view.

404. Accordingly, Appendix 1 shows the changes recommended by Ms Leith, save for the final bullet point, where we have adopted the Stream 5 Hearing Panel’s recommendation.

6.118. Temporary Events:

405. Ms Leith Recommended insertion of a note on the end of this definition, reflecting in turn a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities

¹⁷⁶ Refer Recommendation Report 3 at Section 8.4

¹⁷⁷ Submissions 179, 191 and 781

¹⁷⁸ Aurora Energy: submission 635

¹⁷⁹ Recommendation report 8 at Section 20.3

¹⁸⁰ Report 8 at Section 6.3

¹⁸¹ Refer Recommendation Report 8 at Section 20.3

& Relocated Buildings. The Stream 5 Hearing Panel largely accepts that recommendation¹⁸² and we had no basis on which to take a different view. Appendix 2 accordingly shows the term defined as per Ms Leith's recommendation.

6.119. Temporary Military Training Activity (TMTA):

406. Ms Leith recommended this new definition, reflecting in turn a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, subject only to a minor reformatting change to be consistent with other definitions. The Stream 5 Hearing Panel accepts the recommendation with minor wording changes¹⁸³. We heard no evidence that would cause us to take a different view. Accordingly, Appendix 1 shows the new definition.

6.120. Tourism Activity:

407. Ms Leith drew to our attention¹⁸⁴ that a number of submitters sought a definition of this term and that the Section 42A Report on Chapter 21 – Rural Zone recommended that those submissions be rejected. Four additional submissions seeking the same relief were listed for hearing as part of Stream 10 – those of D & M Columb¹⁸⁵, Cardrona Alpine Resort Limited¹⁸⁶, Amrta Land Limited¹⁸⁷ and Nga Tahu Tourism Limited¹⁸⁸, together with the relevant further submissions. None of the other submitters in question appeared to explain to us why a definition of this term would be beneficial notwithstanding the recommendation to the Stream 2 Hearing Panel, and the submissions themselves are relatively uninformative, containing a bare request for a new definition, with suggested wording, but (apart from Submission 716) no reasons. Submission 716 suggested that differentiating tourism activities from other commercial activities would provide certainty and aid effective and efficient administration of the Plan. However, it did not explain how the suggested definition would do that, and from our observation, the suggested wording is so broadly expressed that it is difficult to conceive of many commercial activities in the district that would fall outside it.

408. Accordingly, like Ms Leith, we see no reason to conclude that a definition of 'tourism activity' should be inserted into the PDP.

6.121. Trade Supplier:

409. Ms Leith recommended a new definition of this term, reflecting in turn a recommendation to the Stream 8 Hearing Panel considering Chapter 16 – Business Mixed Use Zone. The Stream 8 Hearing Panel recommends acceptance of that position.

410. As above, Bunnings Limited¹⁸⁹ suggested that its submission might appropriately be addressed by an amendment to this definition reading:

"Trade suppliers are to be treated in the Plan as both retail and industrial activities, unless trade suppliers are otherwise specifically provided for."

411. This suggestion reflected a discussion we had with counsel for Bunnings Limited and with its planning witness, Ms Panther Knight to the effect that part of the problem Bunnings had was

¹⁸² Report 8 at Section 20.4

¹⁸³ Ibid

¹⁸⁴ Section 42A Report at Section 21

¹⁸⁵ Submission 624: Supported by FS1097

¹⁸⁶ Submission 615: Supported by FS1097, FS1105, FS1117, FS1137, FS1153, and FS1187

¹⁸⁷ Submission 677: Supported by FS1097, and FS1117; Opposed by FS1035, FS1074, FS1312 and FS1364

¹⁸⁸ Submission 716: Supported by FS1097 and FS1117

¹⁸⁹ Submission 746

that its large format operations were something of a hybrid, partly retail and partly industrial in nature.

412. Bunnings also suggested that the word “*wholly*” should be deleted from the definition recommended to the Stream 8 Hearing Panel.
413. Ms Leith considered this suggestion in her reply evidence. While she supported deletion of the word “*wholly*” in order to allow for some flexibility, she did not support the substantive change at the end of the definition, considering that that would pre-empt the content of the review of the Industrial Zone provisions that is yet to come, and indeed the review of any other chapter that might be suitable for a trade supplier, such as the Three Parks Special Zone. She also noted that the Business Mixed Zone already specifically provides for ‘Trade Suppliers’ and so the amendment is not required.
414. Ms Leith’s concerns have some validity. While we think there is merit in the suggestion that the non-retailing component of Bunnings-type operations should be recognised, the suggested amendment to the definition reads like a rule rather than a definition. On reflection, we are also uncomfortable with defining trade suppliers to be, in part, industrial activities. On the basis of the evidence we heard from Ms Davidson for Bunnings, we think that the large format operations that Bunnings and its principal competitor (Mitre 10 – Mega) undertake are more correctly described as a mixture of retailing and wholesaling. Whether it is appropriate for such operations to be provided for in Industrial Zones is a different question that needs to be addressed in a subsequent stage of the PDP review process. Relevant to that consideration, the Stream 1B Hearing Panel has recommended that what was Policy 3.2.1.2.3 be softened so that it now provides for non-industrial activities ancillary to industrial activities occurring within Industrial Zones.
415. In summary, therefore, we accept that some amendment to the definition of ‘Trade Supplier’ is desirable from that recommended by the Stream 8 Hearing Panel, but suggest it be limited to altering it to read:
“Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories...”

6.122. Trail:

416. While not the subject of submission or consideration by Ms Leith, the Stream 1B Hearing Panel recommends¹⁹⁰ a minor non-substantive change to this definition. We have no reason to take a different view to that Hearing Panel and accordingly Appendix 1 shows the recommended amendment.

6.123. Urban Development:

417. Ms Leith recommended a substantial amendment to this definition, reflecting recommendations to the Stream 1B Hearing Panel considering Chapter 3 – Strategic Direction. The Stream 1B Hearing Panel recommends further changes to the definition of ‘urban development’ and insertion of a new term ‘resort’.
418. The Hearing Panel’s Report contains a lengthy discussion of the rationale for the suggested changes¹⁹¹.

¹⁹⁰ See Report 3 at Section 8.7

¹⁹¹ Refer Report 3 at Section 3.5

419. Ms Leith referred us to the submission of MacTodd¹⁹² which sought that the definition of ‘urban development’ be amended in accordance with the Environment Court’s decision in *Monk v Queenstown Lakes District Council*¹⁹³. MacTodd did not appear before us to explain how exactly it thought that the definition should be amended, but the Stream 1B Hearing Report considers the Environment Court’s decision at some length, as well as MacTodd’s submission, before arriving at its recommendation. Further consideration of MacTodd’s submission does not cause us to come to a different view to the Stream 1B Hearing Panel.
420. Mr Goldsmith appeared at the Stream 10 Hearing on behalf of Ayrburn Farm Estate Limited¹⁹⁴ and took issue with the recommended exclusion of Millbrook and Waterfall Park Special Zones from the definition of urban development. Mr Goldsmith made it clear when he appeared before us that he was not seeking to debate the merits but wished to alert the Hearing Panel to the relevance of this point to the argument he was yet to make in the context of the Wakatipu Basin Mapping Hearing as to the location of the Arrowtown Urban Growth Boundary. He also queried the jurisdiction for excluding Millbrook and Waterfall Park.
421. The Stream 1B Hearing Report addresses both the jurisdictional issues¹⁹⁵ and the merits of how ‘urban development’ should be defined for the purposes of the PDP. Mr Goldsmith did not present us with any arguments that suggested to us that the logic of the Stream 1B Hearing Panel’s recommendations is unsound and we adopt those recommendations. Accordingly, Appendix 1 has both a new definition of ‘resort’ and a revised definition of ‘urban development’.

6.124. Urban Growth Boundary:

422. MacTodd¹⁹⁶ sought that this definition be amended in accordance with the Environment Court’s decision in *Monk v Queenstown Lakes District Council* referred to in the context of the definition of ‘urban development’. We have reviewed the *Monk* decision and while the Environment Court discusses the interrelationship between the definitions of ‘urban development’ and ‘urban growth boundary’ it does not appear to us to offer any guidance as to what the definition of the latter term should be, if it is to be amended.
423. MacTodd did not appear before us to assist us in that regard. Accordingly, we recommend that MacTodd’s submission be rejected.
424. Ms Leith, however, recommended a minor change to the definition to remove the repetitive reference to boundaries in the notified definition, together with a minor grammatical change. We agree that the recommended objective reads more simply and clearly and, accordingly, adopt Ms Leith’s suggestion in Appendix 1.

6.125. Utility:

425. Ms Leith recommended two changes to this definition, both arising out of recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The first is to refer to substations in the context of other infrastructure related to the transmission and distribution of electricity and the second to add reference to flood protection works. The Stream 5 Hearing Panel agrees with both recommendations and we did not hear any evidence that would cause us to take a different view.

¹⁹² Submission 192

¹⁹³ [2013] NZEnvC 12

¹⁹⁴ Submission 430

¹⁹⁵ The submission of Millbrook Country Club (696) clearly provides jurisdiction

¹⁹⁶ Submission 192

426. We note the tabled memorandum of Ms Irving for Aurora Energy Ltd¹⁹⁷ on this point. Ms Irving suggested that the term ‘utility’ needed to be amended to catch a wider range of electricity distribution infrastructure. Ms Irving’s point has largely been overtaken by our recommendation to insert a separate definition of ‘electricity distribution’ and in any event, we note that the definition has a catchall referring back to the Act’s definition of ‘network utility operation’, which would include all of Aurora’s network.
427. We do not believe therefore that further amendments are required to address Ms Irving’s concerns.
428. We do suggest, however, that the words “but not limited to” be deleted as unnecessary verbiage, and that the cross reference to the definition of telecommunication facilities should be deleted, consequent on removal of that definition.
429. Accordingly, with the addition of correction of a typographical error (the first bullet point should refer to transmission singular of electricity) and the deletions just referred to, we recommend the amendments to this term endorsed by the Stream 5 Hearing Panel.

6.126. Visitor Accommodation:

430. This definition was the subject of a number of submissions. However, consideration of the issues raised by those submissions has been overtaken by the Stage 2 Variations, which propose an amended definition. We need not, therefore, consider it further.

6.127. Waste:

431. H W Richardson Group¹⁹⁸ sought that this definition be amended to specify that ‘waste’ does not include cleanfill. Ms Leith recommended that that submission be accepted as a helpful amendment to the definition¹⁹⁹. We agree with that recommendation and Appendix 1 reflects the suggested change.

6.128. Waste Management Facility:

432. Ms Leith noted that this definition differs from that in Plan Change 49, related to earthworks, but considered that there was no scope to recommend substantive amendments to the PDP definition on this basis²⁰⁰. She did, however, recommend non-substantive amendments to correct typographical errors and clarify the relationship between the specified exclusions. We agree with those suggested amendments, which are shown in Appendix 1.

6.129. Wetland:

433. Ms Leith recommended deletion of the cross reference to the definition in the Act given that the balance of the notified definition in fact already sets out the Act’s definition of this term. We agree that the deleted text is unnecessary and that it should therefore be deleted.

6.130. Wholesaling:

434. In her Section 42A Report, Ms Leith recommended that this definition be referenced to the Airport Zone (as well as Three Parks and Industrial B Zones as notified), consequent on a recommendation to the Stream 8 Hearing Panel. The Stream 8 Hearing Panel refers the matter to us, so that it might be considered in the context of the whole Plan.

¹⁹⁷ Submission 635

¹⁹⁸ Submission 252

¹⁹⁹ A Leith, Section 42A Report at 24.8

²⁰⁰ Refer A Leith, Section 42A Report at 24.9

435. Reference to the Three Parks and Industrial B Zone should be deleted, given that those zones are not part of the PDP. The reporting officer on Stream 8 (Ms Holden) identified scope for the definition to apply in the Airport Zone²⁰¹.
436. We discussed with Ms Leith whether there was a case for the definition to apply beyond the three nominated zones. In her reply evidence, she acknowledged there is merit in a broader application, but expressed the opinion that there is no scope for amending the definition further.
437. We accept Ms Leith's conclusion that there is no scope to expand the application of the definition beyond the Airport Zone, and recommend that Council consider the desirability of a variation on the point.
438. In the interim, we recommend that the definition just be referenced to the Airport Zone, as Ms Holden recommended.

6.131. Wind Electricity Generation:

439. Ms Leith recommended a minor non-substantive amendment to this definition which promotes consistency with the formatting of the other definitions in Chapter 2. We agree that that consistency is desirable. Appendix 1 therefore sets out the change suggested by Ms Leith.

7. ACRONYMS:

440. Ms Leith suggested insertion of a new Section 2.2 in Chapter 2 collecting together all of the acronyms used in the PDP. We think that this is helpful for readers of the PDP. She considered that this was a non-substantive change simply providing clarification to Plan users (and therefore within Clause 16(2)). We agree and Appendix 1 includes a new Section 2.2 with a brief opening explanation as to what it includes.
441. In the list of acronyms, the acronyms currently referring to Heritage Landscapes²⁰² each need to be amended consequent on the recommendation of the Stream 3 Hearing Panel that these areas be described as Heritage Overlay Areas.
442. For similar reasons, RCL should be 'Rural Character Landscape', consequent on the recommendations of the Stream 1B Panel.
443. Lastly, the acronym 'R' suggested by Ms Leith is not required, given that it is only used in the Jacks Point Structure Plan.

8. SUMMARY OF RECOMMENDATIONS ON CHAPTER 2:

444. Our recommended amendments to Chapter 2 are set out in Appendix 1 to this Report.
445. In our detailed discussion of the definitions in Chapter 2, and those that might be added to it, we have recommended that Council consider variations to the PDP to insert new/amended definitions of a number of defined terms, as follows:
- a. Community Activity;

²⁰¹ Submission 433

²⁰² GH, MHL, SHL, SMHL

- b. Domestic Livestock/Livestock;
- c. Ground Level;
- d. MASL;
- e. Mineral prospecting
- f. Recession Lines/Recession Plane;
- g. Wholesaling.

446. Attached as Appendix 4 is a suggested basis for an amended definition/explanation of 'Recession Line/Recession Plane' should Council agree with our recommendation that the existing definition would benefit from clarification.
447. 'The need for Council to insert the relevant date into the definition of *'partial demolition'* before release of the Council's decisions on our recommendations is also noted.
448. As previously noted, Appendix 3 to this report contains a summary of our recommendations in relation to each submission before us.

PART D: NATURAL HAZARDS:

9. PRELIMINARY MATTERS

9.1. Background:

449. Both the Operative RPS and the Proposed RPS have a particular focus on management of natural hazards. Given the role of both documents in the decision-making process²⁰³, we need to discuss the direction provided by those documents in some detail.

450. In her Section 42A Report Ms Bowbyes drew our attention to four objectives of the Operative RPS as follows:

11.4.1 *To recognise and understand the significant natural hazards that threaten Otago communities and features.*

11.4.2 *To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.*

11.4.3 *To effectively and efficiently respond to natural hazards occurring within Otago.*

11.4.4 *To avoid, remedy or mitigate the adverse effects of hazard mitigation measures on natural and physical resources.”*

451. Supporting these objectives, Ms Bowbyes drew our attention to the following policies:

“11.5.1 *To recognise and provide for Kai Tahu values in natural hazard planning and mitigation.*

11.5.2 *To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:*

- (a) Human life; and*
- (b) Infrastructure and property; and*
- (c) Otago’s natural environment; and*
- (d) Otago’s heritage sites.*

11.5.3 *To restrict development on sites or areas restricted as being prone to significant hazards, unless adequate mitigation can be provided.*

11.5.4 *To avoid or mitigate the adverse effects of natural hazards within Otago through:*

- (a) Analysing Otago’s natural hazards and identifying their location and potential risk; and*
- (b) Promoting and encouraging means to avoid or mitigate natural hazards; and*
- (c) Identifying and providing structures or services to avoid or mitigate the natural hazard; and*
- (d) Promoting and encouraging the use of natural processes where practicable to avoid or mitigate the natural hazard.*

11.5.5 *To provide a response, recovery and restoration capability to natural hazard events through:*

- (a) Providing civil defence capabilities;*

²⁰³ Refer Sections 75(3)(c) and 64(2)(a) of the Act respectively

- (b) *Establishing procedures and responsibility to ensure quick responses to any natural hazard event; and*
- (c) *Identifying agency responsibilities for assisting recovery during and after events; and*
- (d) *Developing recovery measures incorporated into civil defence plans.*

11.5.6 *To establish the level of natural hazard risk that threatened communities are willing to accept, through a consultative process.*

11.5.7 *To encourage and where practicable support community-based responses to natural hazard situations.”*

452. The Proposed RPS provides even more detailed guidance than did its predecessor. Ms Bowbyes drew our attention to Objective 4.1 which reads:

“Risk that natural hazards pose to Otago’s communities are minimised.”

453. This objective is supported by no fewer than 13 policies that we need to have regard to:

*“Policy 4.1.1 Identifying natural hazards
Identify natural hazards that may adversely affect Otago’s communities, including hazards of low likelihood and high consequence by considering all of the following:*

- a) Hazard type and characteristics;*
- b) Multiple and cascading hazards;*
- c) Cumulative effects, including from multiple hazards with different risks;*
- d) Effects of climate change;*
- e) Using the best available information for calculating likelihood;*
- f) Exacerbating factors.*

*Policy 4.1.2 Natural hazard likelihood
Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years.*

*Policy 4.1.3 Natural hazard consequence
Assess the consequences of natural hazard events, by considering all of the following:*

- a) The nature of activities in the area;*
- b) Individual and community vulnerability;*
- c) Impacts on individual and community health and safety;*
- d) Impacts on social, cultural and economic well being;*
- e) Impacts on infrastructure and property, including access and services;*
- f) Risk reduction and hazard mitigation measures;*
- g) Lifeline utilities, essential and emergency services, and their co-dependence;*
- h) Implications for civil defence agencies and emergency services;*
- i) Cumulative effects;*
- j) Factors that may exacerbate a hazard event.*

*Policy 4.1.4 Assessing activities for natural hazard risk:
Assess activities for natural hazard risk to people in communities, by considering all the following:*

- a) *The natural hazard risk identified, including residual risk;*
- b) *Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;*
- c) *The longterm viability and affordability of those measures;*
- d) *Flow on effects of the risk to other activities, individuals and communities;*
- e) *The availability of and ability to provide, lifeline utilities, and essential and emergency services, during ‘and’ after a natural hazard event.*

Policy 4.1.5

Natural hazard risk

Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) *The risk posed, considering the likelihood and consequences of natural hazard events;*
- b) *The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*
- c) *The community’s tolerance of that risk, now and in the future, including the community’s ability and willingness to prepare for and adapt to that risk, and respond to an event;*
- d) *The changing nature of tolerance to risk;*
- e) *Sensitivity of activities to risk.*

Policy 4.1.6

Avoiding increased natural hazard risk

Manage natural hazard risk to people and communities by both:

- a) *Avoiding activities that significantly increase risk including displacement of risk off-site; and*
- b) *Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.*

Policy 4.1.7

Reducing existing natural hazard risk

Reduce existing natural hazard risk to people and communities, including by all of the following:

- a) *Encouraging activities that:*
 - i. *Reduce risk; or*
 - ii. *Reduce community vulnerability;*
- b) *Discourage activities that:*
 - i. *Increase risk; or*
 - ii. *Increase community vulnerability;*
- c) *Considering the use of exit strategies for areas of significant risk to people and communities;*
- d) *Encouraging design that facilitates:*
 - i. *Recovery from natural hazard events;*
 - ii. *Relocation to areas of lower risk;*
- e) *Relocating lifeline utilities, and facilities for essential and emergency service, to areas of reduced risk, where appropriate and practicable;*
- f) *Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services;*
- g) *Reassessing natural hazard risk to people and communities, and community tolerance of that risk, following significant natural hazard events.*

- Policy 4.1.8 Precautionary approach to natural hazard risk
Where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that risk.*
- Policy 4.1.9 Protection features and systems that provide hazard mitigation
Avoid, remedy or mitigate adverse effects on natural or modified features and systems, which contribute to mitigating the effects of both natural hazards and climate change.*
- Policy 4.1.10 Mitigating natural hazards
Give preference to risk management approaches that reduce the need of hard protection structures or similar engineering interventions, and provide for hard protection structures only when all of the following apply:*
- a) Those measures are essential to reduce risk to a level the community is able to tolerate;*
 - b) There are no reasonable alternatives;*
 - c) It would not result in an increase in risk to people and communities, including displacement of risk off-site;*
 - d) The adverse effects can be adequately managed;*
 - e) The mitigation is viable in the reasonably foreseeable long term.*
- Policy 4.1.11 Hard protection structures
Enable the location of hard protection structures and similar engineering interventions on public land only when either or both the following apply:*
- a) There is significant public or environmental benefit in doing so;*
 - b) The work relates to the functioning ability of a lifeline utility, or a facility for essential or emergency services.*
- Policy 4.1.12 Lifeline utilities and facilities for essential or emergency services
Locate and design the lifeline utilities and facilities for essential or emergency services to:*
- a) Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and*
 - b) Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.*
- Policy 4.1.13 Hazard mitigation measures, lifeline utilities, and essential and emergency services*
- Protect the functional and operational requirements of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by all of the following:*
- a) Restricting the establishment of those activities that may result in reverse sensitivity effects;*
 - b) Avoiding significant adverse effects on those measures, utilities or services;*
 - c) Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services;*
 - d) Maintaining access to those measures, utilities or services for maintenance and operational purposes;*

Managing other activities in a way that does not restrict the ability of those mitigation measures, utilities or services to continue functioning.”

454. Ms Bowbyes also drew our attention to Policy 4.5.1 of the Proposed RPS, that, relevantly reads: “Policy 4.5.1 *Managing for urban growth and development*

Managing urban growth and development in a strategic and co-ordinated way, by all of the following...:

- c) *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:....*
- v) *Avoid land with significant risk from natural hazards.”*

455. The evidence of Mr Henderson for Otago Regional Council (adopting the pre-circulated Brief of Evidence of Mr Warren Hanley) was that the Proposed RPS had been developed against a background where, to use his words, “*the national importance placed on managing natural hazard risk has increased substantially since Otago’s first RPS became operative*”. Discussing the point with Mr Henderson, he confirmed our impression that it is not a matter of the natural hazard risk having changed materially, but rather one of the perception of that risk having been heightened as a result of very visible hazard events such as the Christchurch and Kaikoura earthquakes. As Mr Henderson observed, in general, hazards have always existed.
456. Be that as it may, the Proposed RPS gives a much greater degree of direction, as well as a much more explicit focus on natural hazard risk. Classically, risk is the combination of the likelihood of an event coming to pass, and its consequence(s)²⁰⁴. The operative RPS, by contrast, appears to focus solely on the consequences of natural hazards.
457. Ms Bowbyes noted in her Section 42A Report²⁰⁵ that the Proposed RPS advocates for a “*more definitive and cautious approach*” with regard to natural hazard risk than that proposed in the notified PDP provisions on natural hazards.
458. Ms Bowbyes, however, noted that as at the date of hearing, the Proposed RPS was the subject of numerous appeals to the Environment Court with almost all of the provisions quoted above the subject of challenge. Ms Bowbyes drew our attention specifically to appeals focussing on the extent to which an avoidance policy is pursued in the Proposed RPS. However, when we discussed the nature and scope of the appeals on the Proposed RPS with counsel for the Council, Ms Scott confirmed our own impression (having reviewed the various notices of appeal that had been filed), that the direction the appeals seek to take the Proposed RPS provisions on natural hazards is not uniform. In particular, while the effect of the appeals Ms Bowbyes drew to our attention might be to reduce the restriction on future development posed by these provisions, if successful, other appeals might push the Proposed RPS provisions in the opposite direction. That is to say, to a more restrictive position. That suggests, among other things, that while remaining true to our statutory obligation to take the Proposed RPS into account, we also need to be alive to the potential for it to change in ways that cannot currently be predicted.
459. Having emphasised the differences between the Operative RPS and the Proposed RPS, it is also appropriate to note the areas of commonality. Specifically, both acknowledge the relevance

²⁰⁴ See *Orica Mining Services New Zealand Limited v Franklin District Council* W032/2009 at [18]

²⁰⁵ At paragraph 5.20

of community opinion, although the language used is different. The Operative RPS speaks in terms of acceptability, whereas the Proposed RPS focuses on tolerability. We asked counsel for the Council whether these were the same thing in a natural hazard context. Her initial response was that the ordinary and natural meanings of the two terms are different. If correct, that would pose somewhat of a conundrum for us. As a matter of law, we are bound to give effect to the Operative RPS and while that does not mean that the PDP must use identical language to the Operative RPS, if there were indeed a meaningful difference between the terminology of the two documents, we would necessarily have to adopt the approach of the Operative RPS.

460. For ourselves, we are not at all sure that counsel's initial response (that there is a difference in the ordinary dictionary meaning) is correct and, having reflected on it, she agreed that if the relevant policies of the Operative RPS substituted "*tolerable*" for "*acceptable*" and "*intolerable*" for "*unacceptable*" in each case, the meaning would not change.
461. That was also the view of Mr Henderson, giving evidence for Otago Regional Council. He thought that they were similar concepts, but supported use of the language in the Proposed RPS because tolerability was now the term used in the planning literature.
462. We accept that there is no material difference between the terminology, and take the view that it is preferable to align the wording of the PDP with the Proposed RPS given that that represents Otago Regional Council's current thinking.
463. We also discussed with Mr Henderson an apparent contradiction in his evidence which stated at one point²⁰⁶ that tolerance for risk might vary from community to community, depending on the nature of the risk profile and the resources of the community to manage it, and at another,²⁰⁷ that he would be concerned if the PDP suggested different criteria for natural hazard risk management might be employed in Queenstown Lakes District to that in the balance of the Otago Region.
464. Mr Henderson sought to reconcile the two positions by stating a general desire that hazard response be "*relatively consistent*" within a range. However, he accepted that where a district has few options to meet development demand, that might drive choices that other districts with a greater range of options might not take. More specifically, Mr Henderson agreed that if Queenstown Lakes District has high demand for development and few choices as to how to accommodate that demand (manifestly an accurate statement of the position) the District's community might make choices as to what natural hazards have to be tolerated, and those choices might be different to another district with lower levels of development demand and greater options as to how demand might be accommodated.
465. We have approached our consideration of submissions and further submissions on Chapter 28 on that basis.
466. We will return to both the Operative RPS and the Proposed RPS provisions in the context of our more detailed discussion of the objectives and policies of Chapter 28 that follows. The last point of general background, however, that we need to note relates to the potential relevance of iwi management plans to our consideration of submissions and further submissions on Chapter 28. As Report 1 notes, any relevant planning document recognised by an iwi authority and lodged with the Council must be taken into account under Section 74(2A) of the Act.

²⁰⁶ Paragraph 22

²⁰⁷ Paragraph 24

467. In her reply evidence, Ms Bowbyes drew our attention to provisions in two such iwi management plans. Specifically, in *“The Cry of the People, Te Tangi Tauria: Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008*, Policy 12 of Section 3.1.1. supports development and improvement of contingency measures to recognise increased natural hazard risk, among other things, as a result of unpredictable weather patterns. Ms Bowbyes drew to our attention the link between this policy and the provisions of Chapter 28 relating to flood hazards and recommended changes she had suggested regarding the impacts of climate change.
468. Ms Bowbyes also drew our attention to section 3.5.7 of this Plan emphasising the relevance of natural hazards to determination of the appropriateness of subdivision at particular locations.
469. Secondly, Ms Bowbyes drew our attention general policy 54 in section 5.3.4 of *Kai Tahu ki Otago Natural Resource Management Plan 2005* which has a similar emphasis on aligning land uses to the type of land and climatic conditions.
470. Policy 43 of that document further seeks to discourage activities on riverbanks that have the potential to cause or increase bank erosion. More generally, Policy 10 promotes sustainable land use within the Clutha/Mata-au Catchment, which encompasses the entire district.
471. Ms Bowbyes was of the view that Chapter 28 already accounts for these various provisions in its objectives and policies. We agree with that view, although obviously, any suggested amendments need to be weighed with these provisions in mind, along with the other higher order documents and considerations that have to be factored in.
472. In addition to the matters that are relevant to the decision-making process external to the PDP, our consideration of submissions and further submissions also needs to take account of the recommendations of the Stream 1B Hearing Panel that considered the extent of strategic direction provided in Chapters 3 and 4 relevant to natural hazards.
473. We note in particular, that that Hearing Panel’s recommendation that renumbered Objective 3.2.1 promotes as an outcome that urban development among other things, *“minimise[s] the natural hazard risk, taking into account the predicted effects of climate change”*.
474. We also note recommended Policy 4.2.2.2 which links allocation of land within urban growth boundaries to *“any risk of natural hazards, taking into account the effects of climate change”*.
475. Our ability to respond appropriately to both the legislative directions of the Act and to the direction provided in Chapters 3 and 4 is dependent, of course, on the notified provisions of Chapter 28, and the scope provided for amendment of those provisions by the submissions lodged in accordance with the provisions of the First Schedule. It is therefore, to those detailed provisions that we now turn.

9.2. Natural Hazard Provisions – General Submissions:

476. Ms Bowbyes drew our attention to five submission points regarding the treatment of particular hazards in the PDP²⁰⁸. The first of these submissions is that of J & E Russell and ML Stiassny²⁰⁹ which sought the inclusion of new provisions acknowledging the presence of the Cardrona Gravel Aquifer, including a rule framework for earthworks and residential

²⁰⁸ Refer Section 42A Report at Section 10

²⁰⁹ Submission 42: Opposed by FS1300

development on land potentially affected by the aquifer. Ms Bowbyes confirmed in a discussion with us that the concern the submission is targeting is one of flood hazards.

477. Ms Bowbyes analysed the provisions of the earthworks chapter of the ODP, introduced by way of Plan Change 49. Her view was that those provisions are appropriate to address the matters raised in the submission and that no amendments are necessary to Chapter 28. We agree. To the extent the submitters may have a different view, they will be free to pursue the issue further when the earthworks provisions of the PDP are considered as part of the Stage 2 Variation hearing process. The submitter did not appear before us to take the matter further.
478. The second submission Ms Bowbyes drew to our attention is that of the Glenorchy Community Association Committee²¹⁰ which sought that Otago Regional Council and the Council update the natural hazards database with flooding information on the Bible Stream and remove any flood classification that is incorrect. Ms Bowbyes noted that the natural hazards database is held outside the PDP. We agree that it follows that this submission does not relate to the provisions of the PDP and the submission is accordingly not within the scope of the District Plan review.
479. Next, Ms Bowbyes drew our attention to three submissions relating to fire risk: those of Otago Rural Fire Authority²¹¹ (two submissions) and of Leigh Overton²¹².
480. As regards the first Otago Rural Fire Authority submission, this relates to a request that the PDP permit residents to remove flammable vegetation within the “*priority zones*” identified in a specified homeowners manual to address the high fire danger associated with living in areas such as Mount Iron and the Queenstown Red Zone. Ms Bowbyes clarified that the Red Zone relates to parts of the district where fires and fireworks are strictly prohibited.
481. Ms Bowbyes advised us²¹³ that the possible changes to provisions in the Rural Chapters balancing the need for vegetation retention versus managing fire risk were considered in the context of Hearing Stream 2. Insofar as the flammable vegetation in question is indigenous in nature, these issues overlap with the matters the Stream 2 Hearing Panel has considered in relation to Chapter 33. We believe that the issue is one more properly dealt with in that context. We do not regard it is appropriate that Chapter 28 address it further.
482. The second Rural Fire Authority submission and the submission of Mr Overton, however, are a different category. Both seek greater recognition for identification and mitigation of vegetation fire risk in the planning process. Mr Overton appeared in support of his submission and we think there is merit in some of the points he made. We will return to it in the context of the detailed provisions of Chapter 28.
483. Ms Bowbyes also drew our attention to some 33 submission points from a number of submitters²¹⁴ all expressed in identical terms, and seeking:

“Reconsider the extensive number of hazard related policies, remove unnecessary tautology and ensure they are focussed on significant hazards only.”

²¹⁰ Submission 564

²¹¹ Submission 849

²¹² Submission 465::Supported by FS1125

²¹³ Section 42A Report at 10.17

²¹⁴ Refer Submissions 632, 633, 636, 643, 672, 688, 693, 694, 696, 700, 702 and 724: Supported by FS1097; Opposed by FS1139, FS1191, FS1219, FS1252, FS1275, FS1277, FS1283, FS1316 and FS1319

484. The reasons provided in support of these submissions focus on the extent to which the Council’s hazard database identifies natural hazard risk, and the inefficiency of requiring all resource consents to assess natural hazard risk, irrespective of the nature and scale of that risk. A focus on significant natural hazard risk is suggested as being more practicable
485. Ms Bowbyes discusses the significantly enlarged treatment of natural hazard issues in Chapter 28 compared to the comparable ODP provisions, concluding that the notified suite of policies is both necessary and appropriate. We agree with that assessment. The considerations that have prompted the significantly enlarged treatment of natural hazards in the Proposed RPS apply equally to the PDP. It is also significant that none of the submitters in question appeared to support the generalised criticisms of the Chapter 28 provisions.
486. Considering the third point, Ms Bowbyes drew our attention to the absence of any mapping or classification of the significance of risk that would enable provisions focussing on significant natural hazard risks only to be implemented.
487. It is also material that neither the Operative nor the Proposed RPS focus solely on significant natural hazards and while there is a need to ensure that any requirements to assess natural hazard risk are proportionate to the level of risk, Ms Bowbyes has recommended specific provisions to address that concern.
488. Accordingly, we recommend rejection of these submissions at the very general level at which they are pitched. We will return to the requirements to assess natural hazard risk as part of our more detailed commentary on submissions on the objectives and policies that follows.

10. CHAPTER 28: PROVISION SPECIFIC SUBMISSIONS:

10.1. Section 28.1: Purpose:

489. The sole submission on Section 28.1 was that of Transpower New Zealand Limited²¹⁵ seeking that where the existing text refers to “tolerable” levels and “intolerable” risk, that be substituted with “acceptable” and “unacceptable” respectively. As Ms Bowbyes noted in her Section 42A Report²¹⁶, the reasons given for this submission did not explain the relief sought. Those reasons focus on provision for mitigation of risk, which the suggested amendments would not provide.
490. As discussed earlier, we do not regard the difference in terminology to be material and given that the Proposed RPS focuses on tolerability and intolerability, we believe it preferable to align the PDP with that terminology. In summary, therefore, we recommend that this submission not be accepted.
491. We have, however, identified a minor amendment that might usefully be made to Section 28.1, to aid the reader. This is to explain the role of the chapter given that it has no rules – namely to provide policy guidance on natural hazards that might be considered in the implementation of the rules in other chapters. Appendix 2 shows the suggested amendment. We consider this falls within clause 16(2).

²¹⁵ Submission 805

²¹⁶ At 12.2 and 12.3

10.2. Section 28.2 Natural Hazard Identification:

492. There are two submissions on this section of Chapter 28. The first, that of Otago Regional Council²¹⁷, supported the approach flagged in this section of the Council holding information in a natural hazard's database, outside the District Plan. No amendment was sought.
493. The one amendment sought to the section arises from the Council's Corporate submission²¹⁸ that sought a reference to a likely increase in climate extremes as a result of climate change. Ms Bowbyes recommends acceptance of that submission, albeit slightly reworded, and we agree. The recommended provisions already noted related to natural hazards in both Chapters 3 and 4 acknowledge the relevance of climate change to natural hazard management. In addition, Policy 4.2.2 of the Proposed RPS draws attention to the need to take into account the effects of climate change so as to ensure people in communities are able to adapt to or mitigate its effects.
494. Accordingly, we recommend that the Council's corporate submission be accepted and a new sentence be inserted on the end of the second paragraph of this section as shown in Appendix 2 to this Report.
495. We also recommend that in the list of natural hazards, subsidence be listed separately from alluvion and avulsion with which it has little or nothing in common, other than that they are all ground movements. We consider this a minor change within Clause 16(2).
496. Section 28.2 is also worthy of note by reason of the fact that fire is specifically listed as a relevant natural hazard. We will return to that when we discuss Mr Overton's submission further.

10.3. Objective 28.3.1:

497. There are three objectives in this section of Chapter 28. The first, Objective 28.3.1 read as notified:
- "The effects of natural hazards on the community and the built environment are minimised to tolerable levels."*
498. In her Section 42A Report, Ms Bowbyes drew our attention to two submissions specifically on this objective. Both sought to amend the reference to minimisation. Thus, QAC²¹⁹ sought that rather than natural hazard effects being minimised to tolerable levels, that they are
- "appropriately managed"*.
499. The Oil Companies²²⁰ suggested retention of a reference to tolerable levels but sought amendment to the objective to state that natural hazard effects *"are avoided, remedied or mitigated"*.
500. The more general submission of Otago Regional Council²²¹ seeking that provisions of the Proposed RPS are reflected in this chapter by provision for avoiding natural hazard risk,

²¹⁷ Submission 798

²¹⁸ Submission 383

²¹⁹ Submission 433: Supported by FS1097 and FS1117

²²⁰ Submission 768

²²¹ Submission 798: Opposed by FS1182

reducing natural hazard risk and applying a precautionary approach to natural hazard risk also needs to be noted.

501. The stated rationale for the Oil Companies' submission was that 'minimise' means to reduce to the smallest level (of effect) possible, when the intention is to address effects to tolerable levels, which may or may not be the same thing. Ms Bowbyes records that the QAC submission did not provide any specific rationale for removing the term "*minimise*" other than a general statement that the notified provisions are too vague and require greater clarity and certainty. QAC did, however, comment in its submission regarding a focus on tolerance, suggesting that it is difficult to quantify and depends on the circumstances.
502. Ms Bowbyes recommended in response to those submissions that the objective be amended to refer to natural hazard risk rather than effects (for consistency within the chapter and with the Proposed RPS) and that rather than minimising risk, it "*is avoided or managed to a tolerable level*".
503. For our part, we think that the Oil Companies' submission has a point. Minimisation of risk is an outcome in itself and adding reference to what is or is not tolerable blurs the picture, because they are not necessarily the same thing. A tolerable level of risk may be somewhat greater than the minimum level of risk. Similarly, the minimum achievable level of risk may still be intolerable.
504. We found the stated rationale for the QAC submission somewhat ironic, because substituting reference to appropriate management without any indication as to what that might involve would, in our view, reduce certainty and clarity rather than improve it.
505. We did have some concerns, however, how in practice an objective focussing on tolerable levels would be applied. Among other things, tolerable to whom?
506. Because the concept of tolerability originates from the Proposed RPS, we sought to discuss these matters with Mr Henderson. His evidence was that reference to tolerability related to the community's view, as expressed primarily through the zoning of particular land. He acknowledged that there are issues about the reliability of any assessment of community tolerance obtained through the resource consent process given that the ability to make submission is not a reliable guide to community opinion, and neither Council staff nor Commissioners hearing and determining applications could purport as a matter of fact to represent the views of the community at large.
507. Ms Bowbyes also addressed this point in her reply evidence. Her view was that the person tasked with issuing a consent under delegated authority is representing the community's views in the Council's capacity as a decision-maker under the RMA. While as a matter of constitutional law, that may be the case, it does not solve the problem to us of how an individual decision-maker can satisfy themselves as to what is or is not tolerated by the community. Ms Bowbyes posed the example of flooding risk in the Queenstown town centre as well known and tolerated risk. We don't disagree about that specific risk. The lurking concern we have is with the application of the objectives and policies focussing on tolerability in less well known and obvious cases. We wonder, for instance, whether some risks are tolerated, because they are not known and/or well understood²²²

²²² Compare the risks of building on liquefaction prone land in eastern Christchurch prior to 2010.

508. Ultimately, we think the best answer was the one that Mr Henderson gave us, that tolerability has to be determined in the zoning applied to land, which will necessarily occur through a public process in which the community has the opportunity to participate.
509. Given Mr Henderson’s evidence, however, we think it is important to be clear that the tolerability referred to in this objective relates to what is tolerable to the community, as opposed to what individual landowners might tolerate (particularly where those landowners are effectively making choices for their successors in title). To that extent, we accept QAC’s submission. An amendment to that effect would mean, however, two references in the same objective to the “community”. To improve the English without changing the meaning, we suggest the first reference be to “people”.
510. We agree with Ms Bowbyes that management of natural hazards does not lend itself to remediation as an option (as the Oil Companies suggest). While, as Ms Bowbyes identified, Section 31 of the Act includes the avoidance or mitigation of natural hazards as a council function we also think that inserting reference to avoidance or mitigation in this context raises similar issues to those raised by the Oil Companies. If the natural hazard risk is tolerable, neither avoidance nor mitigation may be required.
511. We consider the answer to that concern is to substitute “managed” for “minimised”. Certainty is provided by continued reference to what is tolerable. We think that that can be sharpened further by referring to what is tolerable to the community.
512. We agree, however, that the reference point should be natural hazard “risk” given the consistent approach of the Proposed RPS. We consider that the Otago Regional Council’s submission noted above provides jurisdiction for an amendment to that effect. Ms Bowbyes considered that Policy 28.3.2.3 already gave effect to the emphasis in the Proposed RPS on the precautionary principle, because it put the onus on the applicant to produce an adequate assessment of hazard risk. We agree and note that the evidence for the Regional Council did not advance the point as an outstanding issue.
513. In summary, therefore, we recommend that the objective be amended to read:
- “The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community”.*
514. We consider that of the alternatives available to us, this formulation most appropriately achieves the purpose of the Act.
- 10.4. **Policy 28.3.1.1**
515. As notified, this read:
- 28.3.1.1 Policy*
Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, infrastructure networks and other parts of the environment.
516. Ms Bowbyes drew our attention to four submissions on this policy:
- a. QAC²²³ sought specific reference to the adverse effects of natural hazards;

²²³ Submission 433: Supported by FS1097; Opposed by FS1117

- b. NZTA²²⁴ sought insertion of a practicability qualification on the operation of the policy;
 - c. Transpower New Zealand Limited²²⁵ sought an enlarged practicability qualification that also acknowledges the requirements of regionally significant infrastructure;
 - d. Queenstown Park Limited²²⁶ sought either deletion of reference to “*other parts of the environment*” or better definition of what parts were being referred to.
517. Ms Bowbyes did not recommend acceptance of the QAC submission. We agree with that position. While the submission is understandable given the form in which Objective 28.3.1 was notified, our recommended amendment to that objective would mean that amending the policy to refer to the effects of natural hazards would now be out of step with it.
518. We discussed with Ms Bowbyes, however, whether there needed to be some reference to natural hazards in the policy, given the context. Otherwise the policy might be read more widely than intended. In her reply evidence, she agreed that it would be desirable to be clear that it is natural hazard risk that is being referred to. We concur. To that extent therefore, we accept QAC’s submission.
519. Ms Bowbyes accepted a point made by Mr Tim Williams on behalf of Queenstown Park Limited that reference in the notified policy to “*damage*” to human life was somewhat inapt, prompting a need to reconfigure the form of the policy to separate out risks to human life from other risks.
520. However, we think that some tweaking of the language is required to make it clear that the focus is on construction and location of assets and infrastructure to avoid exacerbating natural hazard risk to human life. The reality is that natural hazards pose an existing risk to human life and the focus needs to be on management of activities that increase that risk²²⁷.
521. Ms Bowbyes recommended also acceptance of the relief sought by Transpower (and consequently the more limited relief of NZTA). In her view, the importance of regionally significant infrastructure meant that recognition of the limitations it operates under was appropriate. We agree. While it is probably not strictly necessary to make specific reference to the locational, technical and operational requirements of regionally significant infrastructure if a general practicability qualification is inserted (those requirements are on one view just examples of why it may not be practicable to avoid or mitigate a potential hazard risk), the role of regionally significant infrastructure means that it is worth being clear that that is the policy intent
522. However, we have some issues with framing that recognition in terms of an acknowledgement, because of the lack of clarity as to what that means. We think that it would be more clearly expressed if it referred to consideration of those requirements.
523. Ms Bowbyes also recommended acceptance of the Queenstown Park Limited submission on the basis that the generalised reference to “*other parts*” of the environment lacks definition and creates uncertainty. We agree with that position also.

²²⁴ Submission 719: Supported by FS1097, FS1341 and FS1342

²²⁵ Submission 805

²²⁶ Submission 806

²²⁷ Compare Policy 4.1.6 of the Proposed RPS

524. In summary, we largely accept Ms Bowbyes' recommendations with amendments to address the points made above. The end result is, therefore, that we recommend that Policy 28.3.1.1 be amended to read:

"Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:

- a. The potential for natural hazard risk to human life to be exacerbated; and*
- b. The potential risk of damage to property and infrastructure networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure."*

10.5. Policy 28.3.1.2

525. As notified, this read:

28.3.1.2 Policy

Restrict the establishment of activities which have the potential to increase natural hazard risk, or may have an impact on the community and built environment.

526. Ms Bowbyes drew our attention to five submissions on this policy, as follows:

- a. Real Journeys Limited²²⁸, Cook Adam Trustees Limited, C&M Burgess²²⁹, and Bobs Cove Developments Limited²³⁰ who all sought qualification of the level of risk (to refer to "significant natural hazard risk") and linking of the second part of the policy so that it relates to the first part, rather than establishes a separate and discrete restriction;
- b. The Oil Companies²³¹ sought deletion of reference to potential risks (so the policy would refer to actual increases in risk) and insertion of reference to tolerability as a criterion for both natural hazard risk increases and impacts on the community.

527. Queenstown Park Limited²³² sought qualification of a second half of the policy so it relates to "adverse and significant" impacts.

528. Addressing the first submission point, Ms Bowbyes noted that the approach of the Proposed RPS at Policy 4.1.6 is to focus on significant increases in natural hazard risk and, accordingly, she recommended qualification of the policy in the manner sought. That suggestion also addresses the first part of the Oil Companies' submission, although we do not consider the deletion of reference to potential increases in natural hazard risk to be material given that, as discussed above, natural hazard risk inherently incorporates concepts of probability/likelihood within it.

529. Ms Bowbyes also recommended acceptance of the second part of the relief sought by the Oil Companies by inserting an intolerability criterion for impacts on the community and the built environment, on the basis that this would increase alignment with the Proposed RPS. We agree with both points. We also note that the wording suggested by the Oil Companies would create the linkage between the two aspects of the policy that the submissions of Real Journeys and others sought.

530. We think that this is preferable to the relief sought by Queenstown Park Limited, which sought to limit the extent of the restriction the second half of the policy creates. We note that

²²⁸ Submission 621

²²⁹ Submission 669

²³⁰ Submission 712

²³¹ Submission 768: Supported by FS1287

²³² Submission 806

although Queenstown Park Limited appeared before us, the evidence of Mr Tim Williams did not address this policy or take issue with the relief recommended by Ms Bowbyes.

531. Accordingly, we recommend that Policy 28.3.1.2 be amended to read:

“Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.”

10.6. Policy 28.3.1.3:

532. As notified, this policy read:

“Recognise that some areas that are already developed are now known to be at risk from natural hazards and minimise such risk as far as possible while acknowledging that landowners may be prepared to accept a level of risk.”

533. The only submission seeking a material change to this policy was that of the Oil Companies²³³ who sought that reference be inserted to *“the effects”* of natural hazards and substitution of a practicability test for what is *“possible”*.

534. Ms Bowbyes supported the suggested amendment to refer to practicable minimisation of risk to avoid any unintended implication that risk has to be reduced to the point where it is negligible. We agree with her reasoning in that regard.

535. Ms Bowbyes recommended that rather than refer to the effects of natural hazards, as the Oil Companies sought, the initial reference to risk be redrafted. We agree that her suggested rewording is an improvement, as well as being consistent with the recommended objective.

536. Responding to the evidence of Mr Henderson for Otago Regional Council, Ms Bowbyes also recommended that the policy should refer to what the community is prepared to accept, rather than what landowners are prepared to accept. This is consistent with the discussion we had with Mr Henderson, referred to above. We agree with Mr Henderson’s essential point, that it is inappropriate to rely on an existing landowner’s readiness to accept natural hazard risks on behalf of their successors in title. We note that while Otago Regional Council did not seek amendment of this Policy specifically, it did state a clear position that it is not appropriate to have new development occurring where natural hazard risks are intolerable to the community. We therefore regard the suggested amendment as being within scope but, consistent with the general desire to promote alignment of language with the Proposed RPS, we recommend that that policy talk in terms of what the community will tolerate, rather than what it will accept.

537. In summary, therefore, we recommend that Policy 28.3.1.3 be revised to read:

“Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.”

10.7. Policy 28.3.1.4,

538. As notified, this policy read:

²³³ Submission 768: Supported by FS1287

“Allow Public Bodies exercising their statutory powers to carry out natural hazard mitigation activities.”

539. The only submission on this policy was from Queenstown Park Limited²³⁴, which sought that reference to “*Public Bodies*” be limited to the Regional and District Council and that the Policy be qualified to acknowledge the need to mitigate potential adverse effects resulting from hazard protection works. Ms Bowbyes recommended acceptance of both aspects of the submission. In her view, referring specifically to the Regional and District Council provided greater clarity and certainty, and that it was appropriate to acknowledge adverse effects that might result from hazard protection works. She also recommended replacing the word “*allow*” with “*enable*”, as more accurately articulating the role of the District Plan. She considered that to be a minor non-substantive change (and therefore within Clause 16(2)).
540. We were somewhat puzzled by the intent of this policy. At one level, if a public body is exercising a statutory power to undertake natural hazard mitigation activities, particularly in an emergency situation, the provisions of the District Plan are largely academic.
541. We also wondered about the restriction of the ambit of the policy, from initially referring to public bodies, to referring only to the Regional and District Council. We disagree with Ms Bowbyes’ comment²³⁵ that the ambit of the term “*public body*” is unclear and we were concerned that organisations like the Fire Service Commission and the Director of Civil Defence Emergency Management have important roles in managing civil defence emergencies that ought to be acknowledged.
542. Having reflected on our queries, Ms Bowbyes advised in her reply evidence²³⁶ that the intent of the Policy is to address planned mitigation works undertaken by the Regional and District Councils that require a resource consent, rather than emergency mitigation works. This was helpful, because if the focus is on planned hazard mitigation works, there is then a ready case for limiting the parties who may be involved to just the Regional and District Council (as Queenstown Park Ltd suggests). Amending the policy, as Ms Bowbyes suggests, to ‘enabling’ the Councils to undertake activities also reinforces the point that this is in the context of resource consent applications for such works. However, Ms Bowbyes continued to recommend reference to “*natural hazard mitigation activities*” which would capture both emergency and unplanned works. We think the policy intent, as explained to us, needs to be expressed more clearly.
543. We also think that rather than a generalised reference to “*the Regional and District Council*”, Otago Regional Council should be referred to in full (there being no other relevant Regional Council) and the defined term for the District Council be used.
544. In summary, therefore, we agree with Ms Bowbyes’ suggestions and recommend that policy 28.3.1.4 be amended to read:

“Enable Otago Regional Council and the Council exercising their statutory powers to undertake permanent physical works for the purposes of natural hazard mitigation while recognising the need to mitigate potential adverse effects that may result from those works.”

²³⁴ Submission 806

²³⁵ Section 42A Report at 12.36

²³⁶ At 7.1

545. We note that the only submission on Policy 28.3.1.5 was from the Oil Companies²³⁷, seeking that it be retained without further modification. However, it is evident to us that this policy is now entirely subsumed within Policy 28.3.1.3 as we have recommended it be amended. We therefore recommend it be deleted as a minor non-substantive change.
546. Having reviewed the policies in Section 28.3.1 collectively, we consider that with the amendments set out above and given the alternatives open to us, the resulting policies are the most appropriate means to achieve Objective 28.3.1.

10.8. Objective 28.3.2

547. Turning to Objective 28.3.2, as notified, it read:
“Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated.”
548. Ms Bowbyes drew our attention to four submissions on this objective. The first three (Real Journeys Limited²³⁸, Cook Adam Trustees Limited, C&M Burgess²³⁹ and Bobs Cove Developments Limited²⁴⁰) all sought that the objective refer to *“a significant natural hazard”* and that it provide that risks are *“satisfactorily avoided”*.
549. Queenstown Park Limited²⁴¹ sought that the objective be replaced with Objective 4.8.3 of the ODP which reads:
“Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.”
550. Ms Bowbyes considered Objective 28.3.2 an improvement on the ODP objective that Queenstown Park Limited’s submission sought to substitute, partly because of the former’s focus on natural hazard risk and partly because of the lack of clarity as to what the term *“disruption”* meant in the context of the ODP objective. We agree and note that when Queenstown Park Limited appeared before us, its planning witness, Mr Tim Williams, generally supported the existing wording of the objective.
551. Ms Bowbyes likewise did not support qualification of the reference to natural hazards, so that the objective would refer only to development on land the subject of a significant natural hazard. She pointed to the lack of evidential support for the submission and the lack of clarity as to what significant natural hazards encompass. She also suggested that limiting the objective to significant natural hazards would leave both the objective and underlying policies silent on the treatment of proposals subject to lower levels of natural hazard risk. We agree with these points. While there is merit in the observation in Submissions 669 and 712 that large areas in the District²⁴² are subject to some recorded natural hazard risk, the objective is framed sufficiently broadly to avoid overly restrictive policies applying to areas of low hazard risk.
552. Ms Bowbyes did recommend an amendment to delete the *“or mitigated”* from the end of the objective, accepting in this regard Mr Tim Williams evidence that *“management”* would

²³⁷ Submission 768

²³⁸ Submission 621

²³⁹ Submission 669

²⁴⁰ Submission 712

²⁴¹ Submission 806

²⁴² It may be, given the proximity of the Alpine Fault, as well as other localised earthquake faults, that the whole District would fall within that general description

necessarily include mitigation. While we agree the notified wording is clumsy, this suggested amendment prompted us to discuss with Mr Williams whether “avoidance” of hazard risk would similarly be an aspect of risk management. Mr Williams had reservations about the extent of overlap. In his view, reference to management of risk had implications of enabling the activity in question and he also thought that tolerability had to be considered. Having said that, he agreed that so long as the word “appropriate” was retained, that would enable those considerations to be brought to the fore.

553. Ms Bowbyes agreed with Mr Williams suggestions in her reply evidence. She expressed the opinion that *“avoidance is absolute whereas management provides flexibility for a range of options to be considered, including mitigation”*.
554. We do not disagree. Indeed, it is precisely because of the absolute nature of an avoidance objective that the suggestion that it be qualified to refer to risks being *“satisfactorily avoided”* is something of a contradiction in terms to us.
555. Stepping back, precisely because the initial reference to natural hazards has such wide application, the outcome sought similarly needs to be flexible. In addition, while we think that Mr Williams may well be right that talking about managing an activity implies that it may occur, the focus of the objective is on the management of risks and we think that the objective should be expressed more simply to say that, leaving it to the policies to flesh out what appropriate management entails. This provides less direction as to the outcome sought than we would normally regard as desirable, but the breadth of the subject matter (and the ambit of the submissions on it) leaves us with little alternative in our view.
556. In summary, we consider that the most appropriate objective to achieve the purpose of the Act in this context given the alternatives open to us, is:

“Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.”

10.9. Policy 28.3.2.1:

557. As notified, Policy 28.3.2.1 stated:

28.3.2.1 Policy

Seek to avoid intolerable natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.”

558. This policy was the subject of three submissions:
- a. QAC²⁴³ sought that it should be expressed more simply: *“Avoid significant natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.”*
 - b. The Oil Companies²⁴⁴ sought that reference be to intolerable effects from natural hazards and that the acknowledgement apply to all developed areas, not just urban areas.
 - c. Otago Regional Council²⁴⁵ opposed the policy insofar as it left open the possibility for development in areas of intolerable hazard risk.

²⁴³ Submission 433: Supported by FS1097 and FS1117

²⁴⁴ Submission 768: Supported by FS1287

²⁴⁵ Submission 798

559. In her Section 42A Report, Ms Bowbyes drew attention to Proposed RPS Policies 4.1.6 and 4.5.1 quoted above, that seek variously avoidance of activities that significantly increase risk and avoidance of development on land with a significant natural hazard risk. In her view, these provisions supported QACs submission that reference should be to significant natural hazard risk, rather than intolerable risk. We agree that it is desirable for this policy to flesh out what might be considered an intolerable risk rather than leaving that for future decisionmakers to determine, with limited ability to ascertain the community's views. She also expressed the view that there was merit in the Oil Companies' argument that the focus should not just be on urban areas.
560. The evidence for Otago Regional Council suggested that the Policy was trying to be "*all things to all situations*" and that the focus should be on significant increases in risk. Mr Henderson suggested that if that were accepted, the acknowledgement in the second half of the policy might then be deleted. Mr Henderson's evidence reflected the general submission for Otago Regional Council already noted that new development should not occur where natural hazard risks are intolerable for the community, even if managed or mitigated.
561. Ms Bowbyes recommended acceptance of Mr Henderson's position.
562. We agree that this is a practicable way forward. The Oil Companies²⁴⁶ make the valid point that major natural hazards (like an earthquake along the Alpine fault) cannot be prevented at source. Similarly, to the extent that there is already a significant natural hazard risk in developed areas, that risk might be mitigated, but it is difficult to imagine how it can be avoided, whereas clearly choices are able to be made when new development is proposed in areas of significant natural hazard risk.
563. In summary, while the end result overlaps with recommended Policy 28.3.1.2, we recommend that Policy 28.3.2.1 be amended to the form suggested by Ms Bowbyes:
'Avoid significantly increasing natural hazard risk.'

10.10. Policy 28.3.2.2

564. As notified this policy read:
Allow subdivision and development of land subject to natural hazards where the proposed activity does not:
- *Accelerate or worsen the natural hazard and/or its potential impacts;*
 - *Expose vulnerable activities to intolerable natural hazard risk;*
 - *Create an unacceptable risk to human life;*
 - *Increase the natural hazard risk to other properties;*
 - *Require additional works and costs that would be borne by the community.*
565. Ms Bowbyes drew our attention to the following submissions on this policy:
- a. The Oil Companies²⁴⁷ sought that the first word of the policy be "*enable*", that the first bullet point refer to risks associated with the natural hazard and/or its potential impacts, the second bullet point refer to the consequences from natural hazards rather than natural hazard risk and that the fourth bullet point refer to an unacceptable level of natural hazard risk;

²⁴⁶ Refer the tabled evidence of Mr Laurenson

²⁴⁷ Submission 768: Supported by FS1287

- b. Real Journey's Limited²⁴⁸, Cook Adam Trustees Limited, C&M Burgess²⁴⁹ and Bobs Cove Developments Limited²⁵⁰ sought that the initial reference be to land subject to "significant" natural hazards, the word "it" be substituted for "the proposed activity", the first bullet point refer to natural hazard risk and delete reference to potential impacts, the fourth bullet point be deleted, and the fifth bullet point refer to the "public" rather than the "community".
- c. Queenstown Park Limited²⁵¹ sought that the first bullet point refer to acceleration of hazards and impacts "to an unacceptable level" and the fourth bullet point refer to increases in natural hazard risk "to an intolerable level".

566. In her Section 42A Report, Ms Bowbyes agreed with many of these suggestions. She did not, however, accept that reference should be made to significant natural hazards in the opening line of the policy, for the reasons discussed above²⁵². Similarly, she did not agree with the suggestion that the fourth bullet point, related to increasing risk to other properties be deleted, referring us to Proposed RPS Policies 4.1.6 and 4.1.10(c) that focus on displacement of risk off-site. We agree with her reasoning on both points. We note, in particular, that focussing the policy on significant natural hazards would leave a policy gap where land is subject to non-significant natural hazards, which is the very situation it needs to address.

567. As regards Ms Bowbyes' recommendations that the balance of the submissions be accepted (subject to rewording the addition to the fourth bullet to refer to "intolerable" levels, for consistency with the Proposed RPS), we had a concern about this policy adopting an overtly enabling focus because it is necessarily limited in scope to natural hazard issues. There may be many other non-hazard related issues that mean that an enabling approach is not appropriate.

568. In her reply evidence Ms Bowbyes expressed the view, having reflected on the point, that an enabling policy in this context would not prevail over more restrictive policies in other chapters addressing those other issues. While we agree that that would be the sensible outcome, we are reluctant to leave the point open for an enthusiastic applicant to test. In any event, Ms Bowbyes agreed that an enabling focus in Policy 28.3.2.2 would leave gap between that and policy 28.3.2.1. She therefore recommended that it would be preferable to commence the policy "not preclude...", as we had suggested to her.

569. We are therefore happy to adopt her reasoning. Accordingly, we recommend that Policy 28.3.2.2 be amended to read:

- 28.3.2.2. *"Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:*
- a. *Accelerate or worsen the natural hazard risk to an intolerable level;*
 - b. *Expose vulnerable activities to intolerable natural hazard risk;*
 - c. *Create an intolerable risk to human life;*
 - d. *Increase the natural hazard risk to other properties to an intolerable level;*
 - e. *Require additional works and costs, including remedial works, that would be borne by the public."*

²⁴⁸ Submission 621: Supported by FS1097

²⁴⁹ Submission 669

²⁵⁰ Submission 712

²⁵¹ Submission 806

²⁵² Refer Sections 10.5 and 10.9 above

10.11. Policy 28.3.2.3

570. As notified, this policy read:

“Ensure all proposals to subdivide or develop land that is subject to natural hazards provide an assessment covering:

- *The time, frequency and scale of the natural hazards;*
- *The type of activity being undertaken and its vulnerability to natural hazards;*
- *The effects of a natural hazard event on the subject land;*
- *The potential for the activity to exacerbate natural hazard risk both in and off the subject land;*
- *The potential for any structures on the subject land to be relocated;*
- *The design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;*
- *Site layout and management to avoid the adverse effects of natural hazards, including access and egress during a hazard event.”*

571. Ms Bowbyes noted the following specific submissions:

- a. Queenstown Park Limited²⁵³ sought an amendment to recognise that the level of assessment should be commensurate with the level of potential risk.
- b. The Oil Companies²⁵⁴ sought that the last bullet point be amended to provide for management and mitigation (rather than avoidance) and a criterion referring to a tolerable level of risk. This submission also sought a minor grammatical change;
- c. Real Journeys Limited²⁵⁵, Cook Adam Trustees Limited, C&M Burgess²⁵⁶ and Bob’s Cove Developments Limited²⁵⁷ suggested a range of amendments, which would result in the Policy reading as follows:

“Ensure new subdivision or land development at threat from a significant natural hazard risk (identified on the District Plan Maps) is assessed in terms of:

- a. *The type, frequency and scale of the natural hazard and the effects of a natural hazard event on the subject land;*
 - b. *The vulnerability of the activity in relation to the natural hazard;*
 - c. *The potential for the activity to exacerbate the natural hazard risk;*
 - d. *The location, design and construction of buildings and structures to mitigate the effects of natural hazards;*
 - e. *Management techniques that avoid or minimise the adverse effects of natural hazards.”*
- d. Otago Regional Council²⁵⁸ sought amendment to recognise that development in hazard areas had ongoing management costs that should not be met by the community;

572. Ms Bowbyes agreed with the suggestion of the Oil Companies that the policy provide for a varying standard of assessment. We agree that if, as we accept, the net should be spread wider than significant natural hazards, the extent of the assessment needs to be flexible to ensure that the costs and benefits of the requirement are properly aligned.

573. It follows that like Ms Bowbyes, we do not accept the submissions of Real Journeys Ltd and others seeking that the only natural hazards assessed are those significant natural hazards noted on the planning maps.

²⁵³ Submission 806

²⁵⁴ Submission 768: Supported by FS1287

²⁵⁵ Submission 621

²⁵⁶ Submission 669

²⁵⁷ Submission 712

²⁵⁸ Submission 798

574. Quite apart from the considerations already discussed regarding similar requests in relation to other policies, if accepted, that would gut the policy of any effect unless and until the planning maps had been varied to identify such hazards.
575. We also agree with Ms Bowbyes that effects beyond the subject site need to be addressed, consistent with the focus of the Proposed RPS on displacement of hazard risk off-site and that the previous policy (28.3.2.2.) already addresses the Regional Council's point.
576. Ms Bowbyes recommended we accept most of the balance of submitters' suggestions. We agree that they improve the clarity and expression of the policy.
577. Ms Bowbyes also recommended additional bullet points inserted to refer to a 100 year time horizon, consistent with the Proposed RPS (thereby responding to the more general submission of Otago Regional Council) and to the effects of climate change, to make it clear that natural hazard assessment is prospective and should not just rely on historical hazard data. We agree with both suggestions. While, as Ms Bowbyes noted in discussions with us, the existing reference to frequency and scale of natural hazards should pick up changes in hazard risk over time resulting from climate change (and for that reason, this is not a substantive change), this is a case where in our view, it is wise to explicitly acknowledge the likelihood that climatic extremes will increase with climate change (as sought in the Council's Corporate submission²⁵⁹, albeit in another context).
578. Lastly, in relation to this policy, we should note the evidence of Mr Overton in relation to management of fire risk. Mr Overton advised us that there are areas of the district that are subject to fire risk and that are inaccessible to emergency services. We agree that this is a concern that requires assessment in future. Accordingly, we recommend amendment to the final bullet point to refer to ingress and egress of both residents and emergency services.
579. Given the breadth of Policy 28.3.2.3, however, and the fact that (unlike the ODP) the PDP clearly classifies fire as a natural hazard, we do not consider that fire risk needs more explicit reference either in this policy or elsewhere²⁶⁰.
580. We do note, however, Ms Bowbyes' advice in her reply evidence that Council's Natural Hazard Database does not currently record areas of known vegetation fire risk, and that it needs to do so. We agree, and draw the point to Council's attention for action if it deems appropriate.
581. In summary, we recommend that Policy 28.3.2.3 be amended to read:
- “Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:*
- a. The likelihood of the natural hazard event occurring over no less than a 100 year period;*
 - b. The type and scale of the natural hazard and the effects of a natural hazard on the subject land;*
 - c. The effects of climate change on the frequency and scale of the natural hazard;*
 - d. The vulnerability of the activity in relation to the natural hazard;*
 - e. The potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;*
 - f. The potential for any structures on the subject land to be relocated;*

²⁵⁹ Submission 383

²⁶⁰ Refer the submissions of Mr Overton and of Otago Rural Fire Authority discussed at Section 9.2 above

- g. *The location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels.*
- h. *Management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect of ingress and egress of both residents and emergency services during a natural hazard event."*

10.12. Policy 28.3.2.4:

582. As notified, this policy read:

28.3.2.4 Policy

"Promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk."

583. Ms Bowbyes noted the submission of the Oil Companies²⁶¹ on this point, seeking deletion of this policy. The submitters suggest that the policy might have unintended consequences for mitigation measures that are widely employed across the District and which, in the submitters view, should be supported. Ms Bowbyes did not support deletion of the policy. As she observed in her Section 42A Report²⁶² the policy promotes alternatives to hard engineering solutions. It does not require them. She suggested a minor amendment to make that clearer, so that the policy would commence *"where practicable, promote...."*. We note Mr Laurenson's support for that suggested change in his tabled statement for the submitters.
584. The evidence of Mr Henderson for Otago Regional Council was that this policy is not consistent with Proposed RPS Policy 4.1.10, which is much more directive regarding the circumstances in which hard protection structures might be provided for. Ms Bowbyes could not, however, find any scope to recommend this change, which would (as she observed) have the opposite effect to the relief sought by the only submitters on the policy. We asked Mr Henderson whether he could point to any submission either by Otago Regional Council, or any other party, that would support greater alignment with the Proposed RPS in this regard and he could not.
585. We consider, therefore, that Ms Bowbyes is correct, and there is no jurisdiction to move this aspect of Chapter 28 into line with the Proposed RPS. In the event that Policy 4.1.10 of the Proposed RPS remains substantively in the same form as at present, the Council would necessarily have to consider a variation to the Plan to incorporate and thereby implement the Proposed RPS, once operative.
586. In the interim, we agree with Ms Bowbyes recommended amendment, accepting the Oil Companies' submission in part. Appendix 2 reflects that change.

10.13. Policy 28.3.2.5:

587. As notified, this policy read:

"Recognise that some infrastructure will need to be located on land subject to natural hazard risk."

588. The only submissions on this policy sought its retention. However, the notified policy has been overtaken by the amendments we have recommended to Policy 28.3.1.1, which provide more explicit recognition of the impracticality of avoiding location of all activities on land subject to natural hazard risk, particularly regionally significant infrastructure. Accordingly, we

²⁶¹ Submission 768

²⁶² At 12.65

recommend that Policy 28.3.2.5 be deleted, as a consequential change, to avoid any confusion as between the role of the two policies.

589. Having reviewed the policies in Section 28.3.2 collectively, taking account of the alternatives open to us and the policies recommended in Section 28.3.1, we consider that those policies are the most appropriate means to achieve Objective 28.3.2.

10.14. Objective 28.3.3. and Policies supporting it

590. Objective 28.3.3. was not the subject of any submission seeking it be changed, and Ms Bowbyes did not recommend any amendment to it. We need consider it no further. She did, however, recommend an amendment to Policy 28.3.3.1. As notified, that policy read:

28.3.3.1 Policy

Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council, (as a basis for Council decisions on resource consent applications or plan changes and for the assessment of building consents).

591. The Oil Companies²⁶³ sought deletion of this policy on the basis that the ongoing changes to the natural hazards database will have statutory effect and, consequentially, should be undertaken by way of Plan Change.
592. The Oil Companies also suggested that the database should not itself be a basis for decision, but should rather be a consideration of the decision-making process.
593. Ms Bowbyes agreed with the last point. As she noted, the role of the database is to provide an initial flag for the presence of a natural hazard which is then the subject of assessment under Policy 28.3.2.3. She therefore thought it was more appropriate to refer to the database as a consideration in the decision-making process.
594. We agree, and consider that such an amendment also better reflects the role of the database sitting outside the District Plan. Further, Ms Bowbyes advised us in her reply evidence that there is no process currently in place that provides a formal avenue for the public to influence the information uploaded to the database. She also noted that the information requirements of notified Section 28.5 highlighted that the database contains information that has been developed at different scales and advises Plan users that further detailed analysis may be required. Again, this supports a much less formal role for the database in the decision making process.
595. Having said that, we think it is valuable that the Council can signal that the database is the subject of continual development and refinement, that being a course of action within its control.
596. We note, however, that there are actually two elements to this policy. The first relates to the Council's actions developing and refining the database. The second point relates to how the database will be used by Council. We think it would be clearer if these two elements were separated into two policies. We also consider that reference to the assessment of building consents should be deleted. This occurs under separate legislation (the Building Act 2004) and the PDP should not purport to constrain how the powers conferred by that legislation will be

²⁶³ Submission 768

exercised. Given the Oil Companies sought deletion of the policy, deletion of this aspect is clearly within scope.

597. We therefore recommend that Policy 28.3.3.1 be separated into two policies and amended to read:

“Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.

When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.”

598. Ms Bowbyes recommended minor non-substantive changes to the balance of the policies supporting Objective 28.3.3 including substitution of “intolerable” for “unacceptable” in Policy 28.3.3.4. We support the suggested amendments, the content of which are set out in our Appendix 2.

599. Having reviewed the policies in Section 28.3.3. collectively, we consider that given the alternatives open to us, they are the most appropriate policies to achieve the relevant objective.

10.15. Section 28.4 – Other Relevant Provisions:

600. This is a standard provision that is reproduced throughout the PDP. The Hearing Panels considering earlier chapters have recommended amendments to it to more correctly reflect the content of the PDP and the fact that once the First Schedule process is concluded, it will form part of the ODP. We recommend like amendments for the same reasons. The fact that some chapters have been inserted by the Stage 2 Variations is reflected in those chapters being in italics. Appendix 2 sets out the suggested changes.

10.16. Section 28.5 – Information Requirements:

601. As notified, this section purported to state a requirement for an assessment of natural hazard effects as part of development proposals. We discussed with Ms Bowbyes whether it was consistent with Policy 28.3.2.3. She addressed this point in Section 8 of her reply evidence. In summary, Ms Bowbyes concluded that a consequential amendment was required to Section 28.5 to make it clearer that the database is not a trigger for the need to provide a natural hazards assessment. She referred us to the Oil Companies’ submission²⁶⁴ as providing scope for the recommended change.

602. We agree with Ms Bowbyes assessment. Accordingly, we recommend that the text read as follows:

“The Councils natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing the potential natural hazard risk. It is highly likely that for those hazards that have been identified at a ‘district wide’ level, further detailed analysis will be required.”

603. As amended, this is no longer true to label (it is no longer a statement of information requirements). We consider it now assists that reader in understanding the inter-relationship of the database with the operation of Policy 28.3.2.3. As such, we recommend that the

²⁶⁴ Submission 768

amended text be shifted in order that it sits as an Advice Note to that policy. We regard this as a non-substantive formatting change.

11. SUMMARY OF RECOMMENDATIONS:

604. Appendix 2 to this report sets out our recommended amendments to Chapter 28.
605. In addition to those amendments, we note Policy 28.3.2.4 is not currently consistent with Proposed RPS Policy 4.1.10. We have no jurisdiction to recommend a substantive amendment that would align the two. Accordingly, we recommend that should Policy 4.1.10 be finalised as part of appeals on the Proposed RPS in a form that continues to be inconsistent with Policy 28.3.2.4, Council promulgate a variation to align the two.
606. We also draw Council's attention to the desirability of updating its hazards database to include areas of known vegetation fire risk²⁶⁵.
607. Lastly, Appendix 3 sets out a summary of our recommendations in relation to submissions on Chapter 28.

For the Hearing Panel



Denis Nugent, Chair
Dated: 31 March 2018

²⁶⁵ Discussed at Section 10.11 above

Appendix 1: Chapter 2 Definitions as Recommended

2 DEFINITIONS

2.1 Definitions

Notes:

- a. Unless the context otherwise requires, the definitions in this chapter apply throughout the plan whenever the defined term is used. The reverse applies to the designations in Chapter 37. The definitions in Chapter 2 only apply to designations where the relevant designation says they apply.
- b. Where a term is not defined within the plan, reliance will be placed on the definition in the Act, where there is such a definition.
- c. Chapter 5: Tangata Whenua (Glossary) supplements the definitions within this chapter by providing English translations-explanations of Maori words and terms used in the plan
- d. Acoustic terms not defined in this chapter are intended to be used with reference to NZS 6801:2008 Acoustics - Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise.
- e. Any defined term includes both the singular and the plural.
- f. Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition.
- g. Where a definition title is followed by a zone or specific notation, the intention is that the application of the definition is limited to the specific zone or scenario described.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Access	Means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property (as defined in section 2 of the Unit Titles Act 2010).
Access Leg (Rear Lot or rear site)	Means the strip of land, which is included in the ownership of that lot or site, and which provides the legal, physical access from the frontage legal road to the net area of the lot or site.
Access Lot	Means a lot which provides the legal access or part of the legal access to one or more lots, and which is held in the same ownership or by tenancy-in-common in the same ownership as the lot(s) to which it provides legal access.
Accessory Building	Means any detached building the use of which is incidental to the principal building, use or activity on a site, and for residential activities includes a sleep out, garage or carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure, provided that any garage or carport which is attached to or a part of any building shall be deemed to be an accessory building.
Accessway	Means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve ¹ .
Act	Means the Resource Management Act 1991.
Activity Sensitive To Aircraft Noise (ASAN) / Activity Sensitive to Road Noise	Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any education activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Adjoining Land (Subdivision)	Includes land separated from other land only by a road, railway, drain, water race, river or stream.
Aerodrome	Means a defined area of land used wholly or partly for the landing, departure, and surface movement of aircraft including any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.
Aircraft	Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.

¹. From section 315 of the Local Government Act 1974

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Aircraft Operations	Means the operation of aircraft during landing, take-off and taxiing but excludes: <ol style="list-style-type: none"> a. aircraft operating in an emergency; b. aircraft using the Airport as an alternative to landing at a scheduled airport; c. military aircraft movements; and d. engine testing.
Air Noise Boundary Queenstown (ANB)	Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB L _{dn} from airport operations in 2037.
Airport Activity	Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including: <ol style="list-style-type: none"> a. aircraft operations which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations; b. aircraft servicing, general aviation, airport or aircraft training facilities and associated offices; c. runways, taxiways, aprons, and other aircraft movement areas; d. terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service facilities, fuel storage and fuelling facilities and facilities for the handling and storage of hazardous substances.
Airport Related Activity	Means an ancillary activity or service that provides support to the airport. This includes: <ol style="list-style-type: none"> a. land transport activities; b. buildings and structures; c. servicing and infrastructure; d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose; e. retail and commercial services and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses; f. catering facilities; g. quarantine and incineration facilities; h. border control and immigration facilities; i. administrative offices (provided they are ancillary to an airport or airport related activity).
All Weather Standard	Means a pavement which has been excavated to a sound subgrade, backfilled and compacted to properly designed drainage gradients with screened and graded aggregate and is usable by motor vehicles under all weather conditions, and includes metallised and sealed surfaces.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Amenity Or Amenity Values	Means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes ² .
Antenna	Means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.
Archaeological Site	Means, subject to section 42(3) of the Heritage New Zealand Pouhere Taonga Act 2014: <ul style="list-style-type: none"> a. any place in New Zealand, including any building or structure (or part of a building or structure), that – <ul style="list-style-type: none"> i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.
Area Median Income (AMI)	Means the median household income for the Queenstown Lakes District as published by Statistics New Zealand following each census, and adjusted annually by the Consumer Price Index (CPI).
Bar (Hotel or Tavern)	Means any part of a hotel or tavern which is used principally for the sale, supply or consumption of liquor on the premises. Bar area shall exclude areas used for storage, toilets or like facilities and space.
Biodiversity Offsets	Means measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.
Biomass Electricity Generation	Means electricity generation derived from biomass systems being recently living organisms such as wood, wood waste, by products of agricultural processes and waste.
Boat	Means any vessel, appliance or equipment used or designed to be used for flotation and navigation on or through the surface of water, other than a wetsuit or lifejacket, and includes any aircraft whilst such aircraft is on the surface of the water. Craft or boating craft shall have the same meaning. Boating activities shall mean activities involving the use of boats on the surface of water.
Boundary	Means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary.

² From section 2 of the Act

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Building	<p>Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:</p> <ul style="list-style-type: none"> a. fences and walls not exceeding 2m in height; b. retaining walls that support no more than 2 vertical metres of earthworks; c. structures less than 5m² in area and in addition less than 2m in height above ground level; d. radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level; e. uncovered terraces or decks that are no greater than 1m above ground level; f. the upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works than involve underground piping of the Arrow Irrigation Race; g. flagpoles not exceeding 7m in height; h. building profile poles, required as part of the notification of Resource Consent applications; i. public outdoor art installations sited on Council owned land; j. pergolas less than 2.5 metres in height either attached or detached to a building; <p>Notwithstanding the definition set out in the Building Act 2004, and the above exemptions a building shall include:</p> <ul style="list-style-type: none"> a. any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.
Building Coverage	<p>Means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage or area. Building coverage shall only apply to buildings at ground, or above ground level. The following shall not be included in building coverage:</p> <ul style="list-style-type: none"> a. pergolas; b. that part of eaves and/or spouting, fire aprons or bay or box windows projecting 600mm or less horizontally from any exterior wall; c. uncovered terraces or decks which are not more than 1m above ground level; d. uncovered swimming pools no higher than 1m above ground level; e. fences, walls and retaining walls; f. driveways and outdoor paved surfaces.
Building Line Restriction	<p>Means a restriction imposed on a site to ensure when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt, no part of any such building shall stand within the area between the building line and the adjacent site boundary.</p>

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Building Supplier	<p>Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings and without limiting the generality of this term, includes suppliers of:</p> <ol style="list-style-type: none"> glazing; awnings and window coverings; bathroom, toilet and sauna installations; electrical materials and plumbing supplies; heating, cooling and ventilation installations; kitchen and laundry installations, excluding standalone appliances; paint, varnish and wall coverings; permanent floor coverings; power tools and equipment; locks, safes and security installations; and timber and building materials.
Camping Ground	Means camping ground as defined in the Camping Ground Regulations 1985 ³ .
Carriageway	Means the portion of a road devoted particularly to the use of motor vehicles.
Clearance Of Vegetation	<p>Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.</p> <p>Clearance of vegetation includes, the deliberate application of water or oversowing where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.</p>
Commercial	Means involving payment, exchange or other consideration.
Commercial Activity	Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays.
Commercial Livestock	Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.
Commercial Recreational Activities	Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.

³ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B **C D** E F G H I J K L M N O P Q R S T U V W X Y Z

Common Property	Means: a. all the land and associated fixtures that are part of the unit title development but are not contained in a principal unit, accessory unit, or future development unit; and b. in the case of a subsidiary unit title development, means that part of the principal unit subdivided to create the subsidiary unit title development that is not contained in a principal unit, accessory unit, or future development unit ⁴ .
Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.
Community Housing	Means residential activity that maintains long term affordability for existing and future generations through the use of a retention mechanism, and whose cost to rent or own is within the reasonable means of low and moderate income households.
Comprehensive Development (For the purpose of Chapters 12 and 13 only)	Means the construction of a building or buildings on a site or across a number of sites with a total land area greater than 1400m ² .
Contributory Buildings (For the purpose of Chapter 26 only)	Means buildings within a heritage precinct that contribute to the significance of a heritage precinct some of which may be listed for individual protection in the Inventory under Rule 26.8. They may contain elements of heritage fabric, architecture or positioning that adds value to the heritage precinct. They have been identified within a heritage precinct because any future development of the site containing a contributory building may impact on the heritage values of heritage features, or the heritage precinct itself. Contributory buildings are identified on the plans under Section 26.7 'Heritage Precincts'. (Refer also to the definition of Non-Contributory Buildings).
Council	Means the Queenstown Lakes District Council or any Committee, Sub Committee, Community Board, Commissioner or person to whom any of the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the Act. District council shall have the same meaning.
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical listening environments.
Day Care Facility	Means land and/or buildings used for the care during the day of elderly persons with disabilities and/or children, other than those residing on the site.
Design Sound Level	Means 40 dB L _{dn} in all critical listening environments.
District	Means Queenstown Lakes District

⁴From the Unit Titles Act 2010

D

Definitions

A B C **D** E F G H I J K L M N O P Q R S T U V W X Y Z

<p>Domestic Livestock</p>	<p>Means livestock bred, reared and/or kept on a property, excluding that which is for the purpose of commercial gain.</p> <ol style="list-style-type: none"> In all zones, other than the Rural, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry per site, and does not include adult roosters or peacocks; and In the Rural, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a site for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster and peacock per site. <p>Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock and a farming activity.</p>
<p>Earthworks</p>	<p>Means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks, and tracks. Excludes the cultivation of land and the digging of holes for ofal pits and the erection of posts or poles or the planting of trees⁵.</p>
<p>Ecosystem Services</p>	<p>Means the resources and processes the environment provides that people benefit from e.g. purification of water and air, pollination of plants and decomposition of waste.</p>
<p>Education Activity</p>	<p>Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education. It also includes ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.</p>
<p>Electricity Distribution</p>	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
<p>Energy Activities</p>	<p>Means the following activities:</p> <ol style="list-style-type: none"> small and community-scale distributed electricity generation and solar water heating; renewable electricity generation; non-renewable electricity generation; wind electricity generation; solar electricity generation; stand-alone power systems (SAPS); biomass electricity generation; hydro generation activity; mini and micro hydro electricity generation.
<p>Environmental Compensation</p>	<p>Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.</p>

⁵ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A | B | C | D | **E** | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

Exotic (Trees and Plants)	Means species which are not indigenous to that part of New Zealand.
Extent of Place (For the purpose of Chapter 26 only)	Means the area around and/or adjacent to a heritage feature listed in the Inventory under Section 26.8 and which is contained in the same legal title as a heritage feature listed in the Inventory, the extent of which is identified in Section 26.8.1. (Refer also to the definition of Setting).
External Alterations and Additions (For the purpose of Chapter 26 only)	Means undertaking works affecting the external heritage fabric of heritage features, but excludes repairs and maintenance, and partial demolition. External additions includes signs and lighting.
External Appearance (Buildings)	Means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls, joinery, roofs and any external fixtures.
Factory Farming	Includes: a. the use of land and/or buildings for the production of commercial livestock where the regular feed source for such livestock is substantially provided other than from grazing the site concerned; b. boarding of animals; c. mushroom farming.
Farming Activity	Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities.
Farm Building	Means a building (as defined) necessary for the exercise of farming activities (as defined) and excludes: a. buildings for the purposes of residential activities, home occupations, factory farming and forestry activities; b. visitor accommodation and temporary accommodation.
Flatboard	Means a portable sign that is not self-supporting ⁶ .
Flat site	Means a site where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope of less than 6 degrees (i.e equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Flood Protection Work	Means works, structures and plantings for the protection of property and people from flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rockwork, anchored trees, wire rope and other structures.

⁶ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E **F G** H I J K L M N O P Q R S T U V W X Y Z

Forestry Activity	Means the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for timber or wood production in excess of 0.5ha in area.
Formed Road	Means a road with a carriageway constructed to an all-weather standard with a minimum width of 3m.
Free Standing Sign	Means a self supporting sign not attached to a building and includes a sign on a fence and a sandwich board ⁷ .
Frontage	Means the road boundary of any site.
Full-Time Equivalent Person	Means the engagement of a person or persons in an activity on a site for an average of 8 hours per day assessed over any 14 day period.
Garage	Is included within the meaning of residential unit, and means a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items.
Gross Floor Area (GFA)	Means the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.
Ground Floor Area (For Signs)	<p>Shall be measured:</p> <ol style="list-style-type: none"> horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage. vertically by the height from the surface of the road, footpath, access way or service land or as the case may be to the point at which the verandah, if any, meets the wall of the building or to a height of 3m above the surface of the road, footpath, access way or service lane, whichever is less⁸.
Ground Floor Area	Means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.

^{7,8} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F **G H** I J K L M N O P Q R S T U V W X Y Z

Ground Level	<p>Means:</p> <p>The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 “ground level” means the finished surface of the ground following completion of works associated with the most recently completed subdivision.</p> <ol style="list-style-type: none"> a. “earthworks” has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past; b. “completed subdivision” means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued; c. “earthworks carried out as part of a subdivision” does not include earthworks that are authorized under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent after 29 April 2016; d. ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history; e. changes to the surface of the ground as a result of earthworks associated with building activity do not affect the “ground level” of a site; f. subdivision that does not involve earthworks has no effect on “ground level”; <p>Notes:</p> <ol style="list-style-type: none"> a. See interpretive diagrams in the definition of Height; b. Special height rules apply in the Queenstown town centre, where “metres above sea level” is used. This is not affected by the definition of “ground level” above, which applies elsewhere.
Handicrafts	Means goods produced by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose.
Hangar	Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.
Hard Surfacing	<p>Means any part of that site which is impermeable and includes:</p> <ol style="list-style-type: none"> a. concrete, bitumen or similar driveways, paths or other areas paved with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; or hardfill driveways that effectively put a physical barrier on the surface of any part of a site; b. any area used for parking, manoeuvring, access or loading of motor vehicles; c. any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; <p>The following shall not be included in hard surfacing:</p> <ol style="list-style-type: none"> a. paths of less than 1m in width; b. shade houses, glasshouses and tunnel houses not having solid floors.

D

Definitions

A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

<p>Hazardous Substance</p>	<p>Means any substance with one or more of the following characteristics:</p> <ul style="list-style-type: none"> a <ul style="list-style-type: none"> i explosives ii flammability iii a capacity to oxidise iv corrosiveness v toxicity (both acute and chronic) vi ecotoxicity, with or without bio-accumulation; or b which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a to this definition.
<p>Health Care Facility</p>	<p>Means land and/or buildings used for the provision of services relating to the physical and mental health of people and animals but excludes facilities used for the promotion of physical fitness or beauty such as gymnasias, weight control clinics or beauticians.</p>
<p>Heavy Vehicle</p>	<p>Means a motor vehicle, other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward, the gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires. (The Heavy Motor Vehicle Regulation 1974).</p>

D

Definitions

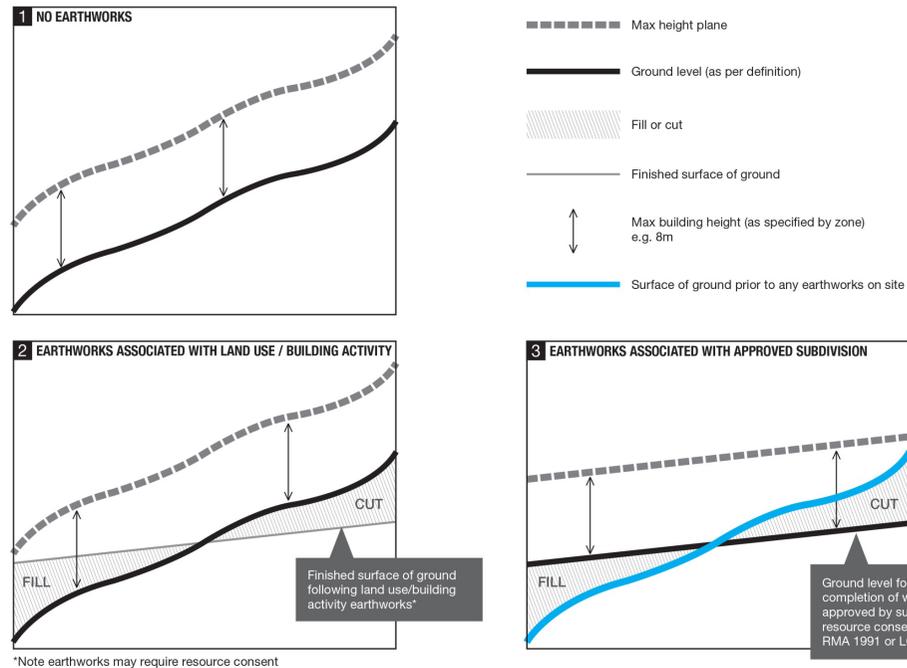
A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

Height (Building)

Means the vertical distance between ground level (as defined), unless otherwise specified in a District Plan rule, at any point and the highest part of the building immediately above that point. For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:

- a. aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a mast or building, provided that the maximum height normally permitted by the rules is not exceeded by more than 2.5m; and
- b. chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules is not exceeded by more than 1.5m.

See interpretive diagrams below and definition of GROUND LEVEL.



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<p>Heritage Fabric (For the purpose of Chapter 26 only)</p>	<p>Means any physical aspect of a heritage feature which contributes to its heritage values as assessed with the criteria contained in section 26.5. Where a heritage assessment is available on the Council’s records this will provide a good indication of what constitutes the heritage fabric of that heritage feature. Where such an assessment is not available, heritage fabric may include, but is not limited to:</p> <ol style="list-style-type: none"> original and later material and detailing which forms part of, or is attached to, the interior or exterior of a heritage feature; the patina of age resulting from the weathering and wear of construction material over time; fixtures and fittings that form part of the design or significance of a heritage feature but excludes inbuilt museum and art work exhibitions and displays, and movable items not attached to a building, unless specifically listed. heritage features which may require analysis by archaeological means, which may also include features dating from after 1900.
<p>Heritage Feature or Features (For the purpose of Chapter 26 only)</p>	<p>Means the collective terms used to describe all heritage features listed in the Inventory of Heritage Features under Section 26.8.</p>
<p>Heritage Significance (For the purpose of Chapter 26 only)</p>	<p>Means the significance of a heritage feature (identified in this Chapter as Category 1, 2, or 3) as evaluated in accordance with the criteria listed in section 26.5. A reduction in heritage significance means where a proposed activity would have adverse effects which would reduce the category that has been attributed to that heritage feature.</p>

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Historic Heritage	<p>Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> a. archaeological; b. architectural; c. cultural; d. historic; e. scientific; f. technological; and <p>And includes:</p> <ul style="list-style-type: none"> a. historic sites, structures, places, and areas; and b. archaeological sites; and c. sites of significance to Maori, including wāhi tapu; and d. surroundings associated with natural and physical resources. e. heritage features (including where relevant their settings or extent of place), heritage areas, heritage precincts, and sites of significance to Maori.
Holding	Means an area of land in one ownership and may include a number of lots and/or titles.
Home Occupation	Means the use of a site for an occupation, business, trade or profession in addition to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes homestay.
Homestay	Means a residential activity where an occupied residential unit is also used by paying guests ⁹ .
Hospital	Means any building in which two or more persons are maintained for the purposes of receiving medical treatment; and where there are two or more buildings in the occupation of the same person and situated on the same piece of land they shall be deemed to constitute a single building.
Hotel	<p>Means any premises used or intended to be in the course of business principally for the provision to the public of:</p> <ul style="list-style-type: none"> a. lodging; b. liquor, meals and refreshments for consumption on the premises.
Household	Means a single individual or group of people, and their dependents who normally occupy the same primary residence.
Household Income	Means all income earned from any source, by all household members.

⁹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Hydro Generation Activity	Means activities associated with the generation of hydro electricity and includes the operation, maintenance, refurbishment, enhancement and upgrade of hydro generation facilities.
Indigenous Vegetation	Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance , including both vascular and non-vascular plants.
Indoor Design Sound Level	Means 40 dB L _{dn} in all critical listening environments.
Industrial Activity	Means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods
Informal Airport	Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan. This excludes the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.
Internal Boundary	Means any boundary of the net area of a site other than a road boundary.
Internal Alterations (For the purpose of Chapter 26 only)	Means undertaking works affecting the internal heritage fabric of heritage features, but excludes repairs and maintenance. Internal alterations includes the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building.
Kitchen Facility	Means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.
L_{Aeq} (15min)	Means the A frequency weighted time average sound level over 15 minutes, in decibels (dB).
L_{AFmax}	Means the maximum A frequency weighted fast time weighted sound level, in decibels (dB), recorded in a given measuring period.
L_{dn}	Means the day/night level, which is the A frequency weighted time average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).
Lake	Means a body of fresh water which is entirely or nearly surrounded by land ¹⁰ .
Landfill	Means a site used for the deposit of solid wastes onto or into land ¹¹ .
Landmark Building (For the purposes of Chapter 12 only)	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

¹⁰ From section 2 of the Act

¹¹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Landscaping	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.
Landside	Means an area of an airport and buildings to which the public has unrestricted access.
Laundry Facilities	Means facilities for the rinsing, washing and drying of clothes and household linen, and the disposal of waste water, and includes either a washing machine, tub or clothes dryer.
Licensed Premises	Means any premises or part of any premises, in which liquor may be sold pursuant to a licence, and includes any conveyance, or part of any conveyance on which liquor may be sold pursuant to the licence.
Lift Tower	Means a structure used for housing lift machinery and includes both the lift shaft and machinery room.
Liquor	Shall have the same meaning as alcohol as defined in the Sale and Supply of Alcohol Act 2012.
Living Area	Means any room in a residential unit other than a room used principally as a bedroom, laundry or bathroom.
Loading Space	Means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded.
Lot (Subdivision)	Means a lot, two or more adjoining lots to be held together in the same ownership, or any balance area, shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, lot shall have the same meaning as site.
Low Income	Means household income below 80% of the area median Income.
Manoeuvre Area	Means that part of a site used by vehicles to move from the vehicle crossing to any parking, garage or loading space and includes all driveways and aisles, and may be part of an access strip.
MASL	Means “metres above sea level”.
Mast	Means any pole, tower or similar structured designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.
Mineral	Means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water and includes all metallic minerals, non metallic minerals, fuel minerals, precious stones, industrial rocks and building stones and a prescribed substance within the meaning of the Atomic Energy Act 1945.
Mineral Exploration	Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.
Mineral Prospecting	Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities: <ul style="list-style-type: none"> a. geological, geochemical, and geophysical surveys; b. the taking of samples by hand or hand held methods; c. aerial surveys.

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Mini and Micro Hydro Electricity Generation	Means conversion of the energy of falling water into electricity. Mini and micro generation may utilise impulse or reaction turbines and include intake or diversion structures, small weir, headrace, penstock, channel, pipes and generator.
Mining	Means to take, win or extract, by whatever means: <ul style="list-style-type: none"> a. a mineral existing in its natural state in land; or b. a chemical substance from a mineral existing in its natural state in land.
Mining Activity	Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration ¹² .
Minor Alterations and Additions to a Building (For the purposes of Chapter 10 only)	Means the following: <ul style="list-style-type: none"> a. constructing an uncovered deck; b. replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing; c. changing existing materials or cladding with other materials or cladding of the same texture, profile and colour.
Minor Repairs and Maintenance (For the purpose of Chapter 26 only)	Means repair of building materials and includes replacement of minor components such as individual bricks, cut stone, timber sections, roofing and glazing. The replacement items shall be of the original or closely matching material, colour, texture, form and design, except that there shall be no replacement of any products containing asbestos, but a closely matching product may be used instead. Repairs and maintenance works that do not fall within this definition will be assessed as alterations.
Minor Trimming (For the purpose of Chapter 32 only)	Means the removal of not more than 10% of the live foliage from the canopy of the tree or structural scaffold branches within a single calendar year.
Minor Trimming of a Hedgerow (For the purpose of Chapter 32 only)	Means the removal of not more than 50% of the live foliage within a single five year period.

¹² Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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<p>Minor Upgrading (For the purpose of Chapter 30 only)</p>	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of similar character, intensity and scale and includes the following:</p> <ol style="list-style-type: none"> a. addition of lines, circuits and conductors; b. reconducting of the line with higher capacity conductors; c. re-sagging of conductors; d. bonding of conductors; e. addition or replacement of longer or more efficient insulators; f. addition of electrical fittings or ancillary telecommunications equipment; g. addition of earth-wires which may contain lightning rods, and earth-peaks; h. support structure replacement within the same location as the support structure that is to be replaced; i. addition or replacement of existing cross-arms with cross-arms of an alternative design; j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced; k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone; l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.
<p>Moderate Income</p>	<p>Means household income between 80% and 120% of the area median income.</p>
<p>Motorised Craft</p>	<p>Means any boat powered by an engine.</p>
<p>National Grid</p>	<p>Means the network that transmits high-voltage electricity in New Zealand and that, at the notification of this Plan, was owned and operated by Transpower New Zealand Limited, including:</p> <ol style="list-style-type: none"> a. transmission lines; and b. electricity substations¹³.
<p>National Grid Corridor</p>	<p>Means the area measured either side of the centreline of above ground national grid line as follows:</p> <ol style="list-style-type: none"> a. 16m for the 110kV lines on pi poles b. 32m for 110kV lines on towers c. 37m for the 220kV transmission lines. <p>Excludes any transmission lines (or sections of line) that are designated.</p>

¹³ Adapted from the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

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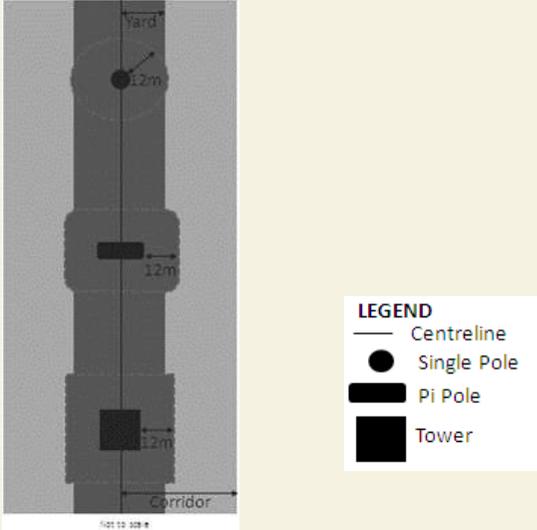
A B C D E F G H I J K L M **N** O P Q R S T U V W X Y Z

<p>National Grid Sensitive Activities</p>	<p>Means those activities within the national grid corridor that are particularly sensitive to risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk, or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none"> a. child day care activity; b. day care facility activity; c. educational activity; d. home stay; e. healthcare facility; f. papakainga; g. any residential activity; h. visitor accommodation.
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<p>National Grid Yard</p>	<p>Means:</p> <ol style="list-style-type: none"> the area located 12 metres in any direction from the outer edge of a national grid support structure; and the area located 12 metres either side of the centreline of any overhead national grid line; <p>(as shown in dark grey in diagram below)</p>  <p>Excludes any transmission lines (or sections of line) that are designated.</p>
<p>Nature Conservation Values</p>	<p>Means the collective and interconnected intrinsic value of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.</p>
<p>Navigation Infrastructure</p>	<p>Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft.</p>
<p>Net Area (Site or Lot)</p>	<p>Means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in the access to any site or lot, and/or any strip of land less than 6m in width.</p>

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Net Floor Area	<p>Means the sum of the floor areas, each measured to the inside of the exterior walls of the building, and shall include the net floor area of any accessory building, but it shall exclude any floor area used for:</p> <ol style="list-style-type: none"> lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2m; stairwells; tank rooms, boiler and heating rooms, machine rooms, bank vaults; those parts of any basement not used for residential, retail, office or industrial uses; toilets and bathrooms, provided that in the case of any visitor accommodation the maximum area permitted to be excluded for each visitor unit or room shall be 3m²; 50% of any pedestrian arcade, or ground floor foyer, which is available for public thoroughfare; parking areas required by the Plan for, or accessory to permitted uses in the building.
Noise Event	<p>Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.</p> <p>Where amplified noise ceases during a particular event, the event is no longer considered a noise event.</p>
Noise Limit	Means a $L_{Aeq(15\text{ min})}$ or L_{AFmax} sound level in decibels that is not to be exceeded.
Non-Contributory Buildings (For the purpose of Chapter 26 only)	Means buildings within a heritage precinct that have no identified heritage significance or fabric and have not been listed for individual protection in the Inventory under Rule 26.8. They have been identified within a heritage precinct because any future development of a site containing a non-contributory building may impact on the heritage values of heritage features or contributory buildings within the heritage precinct. Non-Contributory Buildings are identified on the plans under Section 26.7 'Heritage Precincts'.
Non Critical Listening Environment	Means any space that is not regularly used for high quality listening or communication including bathroom, laundry, toilet, pantry, walk-in-wardrobe, corridor, hallway, lobby, cloth drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.
No net loss	Means no overall reduction in biodiversity as measured by the type, amount and condition.
Notional Boundary	Means a line 20m from any side of residential unit or the legal boundary whichever is closer to the residential unit.
Office	<p>Means any of the following:</p> <ol style="list-style-type: none"> administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted; commercial offices being place where trade, other than that involving the immediately exchange for goods or the display or production of goods, is transacted; professional offices.
Open Space	Means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.

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Outdoor Living Space	Means an area of open space to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated.
Outdoor Recreation Activity	Means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.
Outdoor Storage	Means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products and wastes, outside a fully enclosed building for periods in excess of 4 weeks in any one year.
Outer Control Boundary (OCB)	Means a boundary, as shown on district plan maps, the location of which is based on the predicted day/night sound levels of 55 dBA L _{dn} from airport operations in 2036 for Wanaka Airport and 2037 for Queenstown Airport.
Park and Ride Facility	Means an area to leave vehicles and transfer to public transport or car pool to complete the rest of a journey into an urban area. Park and Ride Facilities include car parking areas, public transport interchange and associated security measures, fencing, lighting, ticketing systems, shelter and ticketing structures, landscape planting and earthworks ¹⁴ .
Parking Area	Means that part of a site within which vehicle parking spaces are accommodated, and includes all parking spaces, manoeuvre areas and required landscape areas.
Parking Space	Means a space on a site available at any time for accommodating one stationary motor vehicle.
Partial Demolition (For the purpose of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature exceeding 30% but less than 70% by volume or area whichever is the greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature. Partial demolition shall be determined as the cumulative or incremental demolition of the heritage fabric as from the date that the decision [specify] on Chapter 26 of the District Plan is publicly notified.
Passenger Lift Systems	Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.
Photovoltaics (PV)	Means a device that converts the energy in light (photons) into electricity, through the photovoltaic effect. A PV cell is the basic building block of a PV system, and cells are connected together to create a single PV module (sometimes called a 'panel'). PV modules can be connected together to form a larger PV array.
Potable Water Supply	Means a water supply that meets the criteria of the Ministry of Health 'Drinking Water Standards for New Zealand 2005 (revised 2008)'.
Principal Building	Means a building, buildings or part of a building accommodating the activity for which the site is primarily used.
Private Way	Means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district ¹⁵ .
Projected Annual Aircraft Noise Contour (AANC)	Means the projected annual aircraft noise contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.

¹⁴ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

¹⁵ From the Local Government Act 1974.

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Protected Feature (For the purpose of Chapter 26 only)	Means the collective terms used to explain all buildings, features, and structures listed in the Inventory of protected features (26.9).
Public Area	Means any part(s) of a building open to the public, but excluding any service or access areas of the building.
Public Place	Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the council, or other agencies. Excludes any trail as defined in this Plan.
Public Space (For the purposes of Chapter 32 only)	Means the parts of the district that are owned and managed by the Queenstown Lakes District Council, are accessible to the public within the Residential Arrowtown Historic Management Zone including roads, parks and reserves.
Radio Communication Facility	Means any transmitting/receiving devices such as aerials, dishes, antennas, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
Rear Site	Means a site which is situated generally to the rear of another site, both sites having access to the same road or private road, and includes sites which have no frontage to a road or private road of 6m or more.

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<p>Recession Lines/Recession Plane</p>	<p>Means the lines constructed from points or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. See interpretive diagrams below.</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="725 464 1173 1013"> <p>1 RECESSION LINE APPLICATION</p> </div> <div data-bbox="1189 464 1637 1013"> <p>2 RECESSION LINE INDICATOR</p> <p>Place outside of circle to inside of site boundary</p> <p>NOTE: North is True North. Bearings on the circle increase in a clockwise direction. Where a boundary is on a line between two directions, the more restrictive recession plane shall apply.</p> </div> </div>
<p>Recreation</p>	<p>Means activities which give personal enjoyment, satisfaction and a sense of well being.</p>
<p>Recreational Activity</p>	<p>Means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.</p>
<p>Regionally Significant Infrastructure</p>	<p>Means:</p> <ul style="list-style-type: none"> a. renewable electricity generation activities undertaken by an electricity operator; and b. the national grid; and c. telecommunication and radio communication facilities; and d. state highways; and e. Queenstown and Wanaka airports and associated navigation infrastructure.

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<p>Registered Holiday Home</p>	<p>Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ol style="list-style-type: none"> a. a stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; b. a duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; c. where the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <p>Advice Notes:</p> <ol style="list-style-type: none"> a. a formal application must be made to the Council for a property to become a Registered Holiday Home. b. there is no requirement to obtain registration for the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge)¹⁶.
<p>Registered Homestay</p>	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p>Advice Note:</p> <p>A formal application must be made to the Council for a property to become a Registered Homestay¹⁷.</p>
<p>Relocated/Relocatable Building</p>	<p>Means a building which is removed and re-erected on another site, but excludes any newly pre-fabricated building which is delivered dismantled to a site for erection on that site. This definition excludes removal and re-siting.</p>
<p>Relocation (For the purpose of Chapter 26 only)</p>	<p>Means the relocation of heritage features, both within, or beyond the site. The definition of Relocation (Buildings) in Chapter 2 (which means the removal of a building from any site to another site) shall not apply to chapter 26.</p>
<p>Relocation (Building)</p>	<p>Means the removal of any building from any site to another site.</p>
<p>Remotely Piloted Aircraft</p>	<p>Means an unmanned aircraft that is piloted from a remote station.</p>
<p>Removal (Building)</p>	<p>Means the shifting of a building off a site and excludes demolition of a building.</p>
<p>Renewable Electricity Generation (REG)</p>	<p>Means generation of electricity from solar, wind, hydro-electricity, geothermal and biomass energy sources.</p>

^{16, 17} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Renewable Electricity Generation Activities	Means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. Includes research and exploratory scale investigations into technologies, methods and sites, such as masts, drilling and water monitoring. This definition includes renewable electricity generation (REG), solar water heating, wind electricity generation, and mini and micro hydro electricity generation (as separately defined).
Renewable Energy	Means energy that comes from a resource that is naturally replenished, including solar, hydro, wind, and biomass energy.
Reserve	Means a reserve in terms of the Reserves Act 1977.
Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation ¹⁸ .
Residential Flat	Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria: <ul style="list-style-type: none"> a. the total floor area does not exceed; <ul style="list-style-type: none"> i. 150m² in the Rural Zone and the Rural Lifestyle Zone; ii. 70m² in any other zone; not including in either case the floor area of any garage or carport; b. contains no more than one kitchen facility; c. is limited to one residential flat per residential unit; and d. is situated on the same site and held in the same ownership as the residential unit. <p>Note: A proposal that fails to meet any of the above criteria will be considered as a residential unit.</p>
Residential Unit	Means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.
Re-siting (Building)	Means shifting a building within a site.
Resort	Means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities.
Restaurant	Means any land and/or buildings, or part of a building, in which meals are supplied for sale to the general public for consumption on the premises, including such premises which a licence has been granted pursuant to the Sale and Supply of Alcohol Act 2012.

¹⁸ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Retail Sales / Retail / Retailing	Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.
Retirement Village	Means the residential units (either detached or attached) and associated facilities for the purpose of accommodating retired persons. This use includes as accessory to the principal use any services or amenities provided on the site such as shops, restaurants, medical facilities, swimming pools and recreational facilities and the like which are to be used exclusively by the retired persons using such accommodation.
Reverse Sensitivity	Means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.
Right of Way	Means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.
River	Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal) ¹⁹ .
Road	Means a road as defined in section 315 of the Local Government Act 1974.
Road Boundary	Means any boundary of a site abutting a legal road (other than an accessway or service land) or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary.
Root Protection Zone (For the purposes of Chapter 32 only)	<p>Means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree. As demonstrated by the diagrams below.</p> <div style="text-align: center;"> </div>

¹⁹ From section 2 of the Act.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Rural Industrial Activity	Means the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced within the Rural Zone and the storage of goods, materials and machinery associated with commercial contracting undertaken within the Rural Zone.
Sense of Place (For the purpose of Chapter 12 only)	Means the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and a positive and engaging experience. Elements of the Queenstown town centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, the small block size of the street grid, and its location adjacent to the lake and surrounded by the ever-present mountainous landscape.
Service Activity	Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.
Service Lane	Means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land ²⁰ .
Service Station	Means any site where the dominant activity is the retail sale of motor vehicle fuels, including petrol, LPG, CNG, and diesel, and may also include any one or more of the following: <ul style="list-style-type: none"> a. the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; b. mechanical repair and servicing of motor vehicles, including motor cycles, caravans, boat motors, trailers, except in any Residential, Town Centre or Township Zone; c. inspection and/or certification of vehicles; d. the sale of other merchandise where this is an ancillary activity to the main use of the site. Excludes: <ul style="list-style-type: none"> i. panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding, which are not included within mechanical repairs of motor vehicles and domestic garden equipment for the purposes of b. above.
Setback	Means the distance between a building and the boundary of its site. Where any building is required to be set back from any site boundary, no part of that building shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the setback shall be calculated from the proposed final site boundary. The setback distance shall only apply to buildings at ground, or above ground level.

²⁰. From section 315 of the Local Government Act 1974

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

Setting (For the purpose of Chapter 26 only)	Means the area around and/or adjacent to a heritage feature listed under the Inventory in Section 26.8 and defined under 26.8.1, which is integral to its function, meaning, and relationships, and which is contained in the same legal title as the heritage feature listed on the Inventory. (Refer also to the definition of 'Extent of Place').
Showroom	Means any defined area of land or a building given over solely to the display of goods. No retailing is permitted unless otherwise specifically provided for in the zone in which the land or building is located.
Sign and Signage	Means: <ul style="list-style-type: none"> a. any external name, figure, character, outline, display, delineation, announcement, design, logo, mural or other artwork, poster, handbill, banner, captive balloon, flag, flashing sign, flatboard, free-standing sign, illuminated sign, moving signs, roof sign, sandwich board, streamer, hoarding or any other thing of a similar nature which is: i) intended to attract attention; and ii) visible from a road or any public place; b. all material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing; c. any sign written vehicle/trailer or any advertising media attached to a vehicle/trailer. Notes: <ul style="list-style-type: none"> i. This does include corporate colour schemes. ii. See definitions of SIGN AREA and SIGN TYPES²¹.
Sign Area	The area of a sign means the surface area of a sign and the area of a sign includes all the area actually or normally enclosed, as the case may be, by the outside of a line drawn around the sign and enclosing the sign ²² .

^{21, 22} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

<p>Sign Types</p>	<p>Above Ground Floor Sign: means a sign attached to a building above the verandah or above 3 metres in height from the ground.</p> <p>Arcade Directory Sign: means an externally located sign which identifies commercial activities that are accessed internally within a building or arcade</p> <p>Banner: means any sign made of flexible material, suspended in the air and supported on more than one side by poles or cables.</p> <p>Flag: means any sign made of flexible material attached by one edge to a staff or halyard and includes a flagpole.</p> <p>Flashing Sign: means an intermittently illuminated sign.</p> <p>Flat Board Sign: means a portable flat board sign which is not self-supporting.</p> <p>Free Standing Sign: means any sign which has a structural support or frame that is directly connected to the ground and which is independent of any other building or structure for its support; and includes a sign on a fence²³.</p>
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²³ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

	<p>Hoarding: means any sign that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site.</p> <p>Moving Sign: means a sign other than a flag or a banner that is intended to move or change whether by reflection or otherwise.</p> <p>Off-Site Sign: means a sign which does not relate to goods or services available at the site where the sign is located and excludes a Hoarding.</p> <p>Roof Sign: means any sign painted on or attached to a roof and any sign projecting above the roof line of the building to which it is attached.</p> <p>Sandwich Board: means a self-supporting and portable sign.</p> <p>Signage Platform: means a physical area identified for the purpose of signage.</p> <p>Temporary Event Sign: means any sign established for the purpose of advertising or announcing a single forthcoming temporary event, function or occurrence including carnivals, fairs, galas, market days, meetings exhibitions, parades, rallies, filming, sporting and cultural events, concerts, shows, musical and theatrical festivals and entertainment; but does not include Electioneering Signs, Real Estate Signs, Construction Signs, a Land Development Sign, Off-Site Sign or Temporary Sale Sign.</p> <p>Temporary Sale Sign: means any sign established for the purpose of advertising or announcing the sale of products at special prices.</p> <p>Under Verandah Sign: means a sign attached to the underside of a verandah.</p> <p>Upstairs Entrance Sign: means a sign which identifies commercial activities that are located upstairs within a building.</p> <p>Wall Sign: means a sign attached to the wall of a building²⁴.</p>
<p>Significant Trimming (For the purposes of Chapter 32 only)</p>	<p>Means the removal of more than 10% of the live foliage from the canopy of the tree or structural scaffold branches.</p>

²⁴ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

Site	<p>Means:</p> <ul style="list-style-type: none"> a. an area of land which is: <ul style="list-style-type: none"> i. comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or ii. comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council. <p>Being in any case the smaller land area of i or ii, or</p> <ul style="list-style-type: none"> b. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or c. an area of land which is comprised in two or more adjoining certificates of title where such titles are: <ul style="list-style-type: none"> i. subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or ii. held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or d. in the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance; <p>Except:</p> <ul style="list-style-type: none"> a. in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: <ul style="list-style-type: none"> i. a building or buildings for residential or business purposes with any accessory buildings(s), plus any land exclusively restricted to the users of that/those building(s), plus an equal share of common property; or ii. a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and b. in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and c. in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision. <p>In addition to the above.</p> <ul style="list-style-type: none"> a. A site includes the airspace above the land. b. If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary. c. Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site²⁵.
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²⁵ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

<p>Ski Area Activities</p>	<p>Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:</p> <ol style="list-style-type: none"> recreational activities either commercial or non-commercial; passenger lift systems; use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities; activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain; installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and in the Waiorau Snow Farm Ski Area Sub-Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.
<p>Ski Area Sub-Zone Accommodation</p>	<p>Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and</p> <ol style="list-style-type: none"> includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit; and may include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities; and is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub-Zone.
<p>Sloping Site</p>	<p>Means a site where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e greater than 1 in 9.5), rules applicable to sloping sites will apply.</p>
<p>Small and Community-Scale Distributed Electricity Generation</p>	<p>Means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</p>
<p>Small Cells Unit</p>	<p>Means a device:</p> <ol style="list-style-type: none"> that receives or transmits radiocommunication or telecommunication signals; and the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11m³.
<p>Solar Electricity Generation</p>	<p>Means the conversion of the sun's energy directly into electrical energy. The most common device used to generate electricity from the sun is photovoltaics (PV). This may include free standing arrays, solar arrays attached to buildings or building integrated panels.</p>
<p>Solar Water Heating</p>	<p>Means devices that heat water by capturing the sun's energy as heat and transferring it directly to the water or indirectly using an intermediate heat transfer fluid. Solar water heaters may include a solar thermal collector, a water storage tank or cylinder, pipes, and a transfer system to move the heat from the collector to the tank.</p>

D

Definitions

A B C D E F G H I J K L M N O P Q R **S T** U V W X Y Z

Stand-Alone Power Systems (SAPS)	Means off-grid generation for activities including residential, visitor and farming activities, on remote sites that do not have connection to the local distribution network. SAP's will usually include battery storage, a backup generator, an inverter and controllers etc, as well as generation technologies such as solar, mini or micro hydro, wind electricity generation or a combination thereof.
Structure	Means any building, equipment device or other facility made by people and which is fixed to land and includes any raft.
Structure Plan	Means a plan included in the district plan, and includes spatial development plans, concept development plans and other similarly titled documents.
Subdivision	Means: <ul style="list-style-type: none"> a. the division of an allotment: <ul style="list-style-type: none"> i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226²⁶.
Subdivision and Development	Includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures.
Tavern	Means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments but does not include an airport bar.
Technical Arborist (For the purposes of Chapter 32 only)	Means a person who: <ul style="list-style-type: none"> a. by possession of a recognised arboricultural degree or diploma and on-the-job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and b. has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and c. has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard or Level 4 NZQA Certificate in Horticulture (Arboriculture) standard (or be of an equivalent arboricultural standard).

²⁶ From section 218 of the Act

D

Definitions

A B C D E F G H I J K L M N O P Q R S **T** U V W X Y Z

Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency and outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none">a. temporary events;b. temporary filming;c. temporary activities related to building and construction;d. temporary military training;e. temporary storage;f. temporary utilities;g. temporary use of a site as an informal airport as part of a temporary event.
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D

Definitions

A B C D E F G H I J K L M N O P Q R S **T** U V W X Y Z

Temporary Events	<p>Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:</p> <ul style="list-style-type: none"> a. carnivals; b. fairs; c. festivals; d. fundraisers; e. galas; f. market days; g. meetings; h. exhibitions; i. parades; j. rallies; k. cultural and sporting events; l. concerts; m. shows; n. weddings; o. funerals; p. musical and theatrical entertainment, and q. uses similar in character. <p>Note: The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> a. Food and Beverage; b. Sale of Alcohol.
Temporary Filming Activity	Means the temporary use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of film sets, and associated facilities for staff.
Temporary Military Training Activity (TMTA)	Means means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.
Total Demolition (For the purposes of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature equal to or exceeding 70% by volume or area whichever is greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature.

D

Definitions

A B C D E F G H I J K L M N O P Q R S **T U** V W X Y Z

Trade Supplier	Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories: <ul style="list-style-type: none"> a. automotive and marine suppliers; b. building suppliers; c. catering equipment suppliers; d. farming and agricultural suppliers; e. garden and patio suppliers f. hire services (except hire or loan of books, video, DVD and other similar home entertainment items); g. industrial clothing and safety equipment suppliers; and h. office furniture, equipment and systems suppliers.
Trade Wastes	Means any water that is used in a commercial or industrial process, and is then discharged to the Council's waste water system.
Trail	Means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes: <ul style="list-style-type: none"> a. roads, including road reserves; b. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and c. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.
Under Verandah Sign	Means a sign attached to the under side of a verandah ²⁷ .
Unit	Means any residential unit, or visitor accommodation unit of any type.
Urban Development	Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development.
Urban Growth Boundary	Means a boundary shown on the planning maps which provides for and contains existing and future urban development within an urban area.

²⁷ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T **U** V W X Y Z

<p>Utility</p>	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications; g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; i. structures, facilities, plant and equipment necessary for navigation by water or air; j. waste management facilities; k. flood protection works; and l. anything described as a network utility operation in s166 of the Resource Management act 1991. <p>Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.</p>
<p>Vehicle Crossing</p>	<p>Means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.</p>
<p>Verandah</p>	<p>Means a roof of any kind which extends out from a face of a building and continues along the whole of that face of the building.</p>

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U **V** W X Y Z

<p>Visitor Accommodation</p>	<p>Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and</p> <ol style="list-style-type: none"> i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and ii. May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity. <p>For the purpose of this definition:</p> <ol style="list-style-type: none"> a. The commercial letting of a residential unit in (i) excludes: <ul style="list-style-type: none"> • A single annual let for one or two nights. • Homestay accommodation for up to 5 guests in a Registered Homestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home. <p>(Refer to respective definitions).</p> b. "Commercial letting" means fee paying letting and includes the advertising for that purpose of any land or buildings. c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply²⁸.
<p>Wall Sign</p>	<p>Means a sign attached to a wall within the ground floor area²⁹.</p>
<p>Waste</p>	<p>Means any contaminant, whether liquid solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment, and which includes all unwanted and economically unusable by-products at any given place and time, and any other matters which may be discharged accidentally or otherwise, to the environment. Excludes cleanfill.</p>
<p>Waste Management Facility</p>	<p>Means a site used for the deposit of solid wastes onto or into land, but excludes:</p> <ol style="list-style-type: none"> a. sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial trade or process on that productive land; b. sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes; and c. sites for the disposal of clean fill.

^{28, 29} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V **W** X Y Z

Waterbody	Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area ³⁰ .
Wetland	Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions ³¹ .
Wholesaling (Airport Zones)	Means a business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers.
Wind Electricity Generation	Means the conversion of the energy from wind into electricity, through the use of the rotational motion. A wind turbine may be attached to a building or freestanding. Wind turbine components may include blades, nacelle, tower and foundation. This definition shall include masts for wind monitoring.
Works Within the Root Protection Zone (For the Purpose of Chapter 32 only)	Means works including paving, excavation, trenching, ground level changes, storage of materials or chemicals, vehicle traffic, vehicle parking, soil compaction, construction activity, whether on the same site or not as the tree.
2037 Noise Contours	Means the predicted airport noise contours for Queenstown airport for the year 2037 in 1dB increments from 70dB L _{dn} to 55dB L _{dn} inclusive. Note: These contours shall be available from the council and included in the airport noise management plan.
2037 60 dB Noise Contours	Means the predicted 60 dB L _{dn} noise contour for Queenstown airport for 2037 based on the 2037 noise contours.

^{30, 31} From Section 2 of the Act

2.2

Acronyms Used in this Plan

Listed below are acronyms used within the plan. They do not include the acronyms of names of activity areas identified within structure plans adopted under the PDP.

AANC	Projected annual aircraft noise contour
AMI	Area median income
ANB	Air noise boundary
ASAN	Activity sensitive to aircraft noise
C	Controlled
CPI	Consumer price index
CPTED	Crime prevention through environmental design
dB	Decibels
D	Discretionary
GFA	Gross floor area
GHOA	Glenorchy Heritage Overlay Area
HD	Hanley Downs
LAR	Limited access roads
LENZ	Land Environments New Zealand
MHOA	Macetown Heritage Overlay Area
NC	Non-complying
NES	National Environmental Standard
NESETA	Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009
NOR	Notice of requirement
NZTA	New Zealand Transport Agency
OCB	Outer control boundary
ONF	Outstanding natural feature
ONL	Outstanding natural landscape
P	Permitted
PR	Prohibited
PV	Photovoltaics
RCL	Rural character landscape

RD	Restricted discretionary
REG	Renewable electricity generation
RMA	Resource Management Act 1991
SAPS	Stand-alone power systems
SEL	Sound exposure level
SHOA	Skippers Heritage Overlay Area
SMLHOA	Sefferton and Moke Lake Heritage Overlay Area
SNA	Significant natural areas
UGB	Urban growth boundary

Appendix 2: Chapter 28 Natural Hazards as Recommended

28 NATURAL HAZARDS



28.1

Purpose

The purpose of this chapter is to provide a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable¹, natural hazards will be required to be avoided. Council has a responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.

There are no rules in this chapter. It is intended to provide policy guidance on natural hazards that is factored into the consideration of land use and subdivision applications made under the rules in other chapters.

28.2

Natural Hazard Identification

Natural Hazards that exist in the District include:

- Flooding and inundation
- Erosion and deposition (including landslip and rockfall)
- Land instability
- Earthquakes and liquefaction
- Avalanche
- Alluvion², avulsion³
- Subsidence
- Tsunami / seiche⁴
- Fire

The District is located in an inland mountainous environment and as such can also be exposed to climatic extremes in terms of temperature, rain and heavy snowfall. This is likely to increase as a result of climate change.

Council holds information in a natural hazards database which has been accumulated over a long period of time by both the Council and the Otago Regional Council. The database is continually being updated and refined as new information is gathered. Given the ongoing updates occurring, with the exception of flooding information, which has historically been mapped, Council has decided not to map natural hazards as part of the District Plan. This decision has been made due to the fact the maps may quickly become out of date as new information becomes available. Council will rely upon the hazards database in the consideration of resource consents and building consents.

¹ The concept of risk 'tolerability' is derived from the Otago Regional Council's Regional Policy Statement, which provides additional guidance as to the management of natural hazards.

² Increase in the size of a piece of land due to deposits by a river.

³ Abandonment of a river channel and the formation of a new channel.

⁴ Oscillation of water due to earthquake shaking

The database is readily available to the public through the Council website and at Council Offices.

Additional to the Resource Management Act, Council has obligations to address hazards under other legislation such as the Building Act 2004, the Civil Defence and Emergency Management Act 2002 and the Local Government Act 2002. In particular the provisions of the Building Act provide Council with the ability to refuse to issue a building consent in certain circumstances where a property is subject to natural hazards. As such, Council uses the provisions in the District Plan as just one tool to address natural hazard risk.

28.3

Objectives and Policies

28.3.1 Objective - The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.

- Policies
- 28.3.1.1** Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:
 - a. the potential for natural hazard risk to human life to be exacerbated; and
 - b. the potential risk of damage to property and infrastructural networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure.
 - 28.3.1.2** Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.
 - 28.3.1.3** Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.
 - 28.3.1.4** Enable Otago Regional Council and the Council exercising their statutory powers to undertake permanent physical works for the purposes of natural hazard mitigation while recognising the need to mitigate potential adverse effects that may result from those works.

28.3.2 Objective - Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

- Policies
- 28.3.2.1** Avoid significantly increasing natural hazard risk.

- 28.3.2.2** Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:
- accelerate or worsen the natural hazard risk to an intolerable level;
 - expose vulnerable activities to intolerable natural hazard risk;
 - create an intolerable risk to human life;
 - increase the natural hazard risk to other properties to an intolerable level;
 - require additional works and costs including remedial works, that would be borne by the public.

- 28.3.2.3** Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:
- the likelihood of the natural hazard event occurring over no less than a 100 year period;
 - the type and scale of the natural hazard and the effects of a natural hazard on the subject land;
 - the effects of climate change on the frequency and scale of the natural hazard;
 - the vulnerability of the activity in relation to the natural hazard;
 - the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;
 - the potential for any structures on the subject land to be relocated;
 - the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;
 - management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.

Advice Note:

Council's natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing potential natural hazard risk. It is highly likely that for those hazards that have been identified at a 'district wide' level, further detailed analysis will be required.

- 28.3.2.4** Where practicable, promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk.

28.3.3 Objective - The community’s awareness and understanding of the natural hazard risk in the District is continually enhanced.

- Policies
- 28.3.3.1** Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.
 - 28.3.3.2** When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.
 - 28.3.3.3** Ensure the community has access to the most up-to-date natural hazard information available.
 - 28.3.3.4** Increase the community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.
 - 28.3.3.5** Monitor natural hazard trends and changes in risk and consider action should natural hazard risk become intolerable.

28.4

Other Relevant Provisions

28.4.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	27 Subdivision
29 <i>Transport</i>	30 Energy and Utilities	31 <i>Signs</i>
32 Protected Trees	33 Indigenous Vegetation	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

Appendix 3: Recommendations of this Panel on Submissions and Further Submissions

Part A: Submissions

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
9.9	Terry Drayron	Reject	2
19.1	Kain Fround	Accept in part	General
19.27	Kain Fround	Accept in part	Plan maps
19.27	Kain Fround	Accept in part	Mapping reports
38.1	Stewart Mahon	Accept in Part	General
42.3	J, E & ML Russell & Stiassny	Reject	9.2
68.1	Nigel Sadlier	Accept in part	6.41
110.1	Alan Cutler	Reject	6.82
124.1	Bruce & Alison Hebbard	Accept in Part	General
126.8	Hunter Leece / Anne Kobienia	Reject	6.96
145.23	Upper Clutha Environmental Society (Inc)	Reject	2
145.24	Upper Clutha Environmental Society (Inc)	Reject	2
145.26	Upper Clutha Environmental Society (Inc)	Reject	3.1
145.26	Upper Clutha Environmental Society (Inc)	Reject	2
145.28	Upper Clutha Environmental Society (Inc)	Reject	2
145.31	Upper Clutha Environmental Society (Inc)	Reject	3.9
145.34	Upper Clutha Environmental Society (Inc)	Reject	2
145.6	Upper Clutha Environmental Society (Inc)	Reject	3.9
153.1	Christopher Horan	Accept in Part	Reports 2, 3 and 9A
159.3	Karen Boulay	Reject	2
159.4	Karen Boulay	Reject	2
177.11	Duncan Fea	Reject	2
179.1	Vodafone NZ	Accept in Part	Reports 3 and 8
179.2	Vodafone NZ	Accept	All reports
183.1	James & Jeanette Cullen	Reject	2
191.1	Spark Trading NZ Limited	Accept in Part	Reports 3 and 8
192.1	Mactodd	Accept in part	6.123 and 6.124
208.1	Pounamu Body Corporate Committee	Reject	2
222.1	Louise & Alfred Bell	Reject	2
225.1	Quentin Smith	Accept in part	Reports 9A and 11
238.11	NZIA Southern and Architecture + Women Southern	No relief sought	N/A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
238.11	NZIA Southern and Architecture + Women Southern	Accept in part	Report 3
243.1	Christine Byrch	Reject	2, 3.4
243.35	Christine Byrch	Accept in part	6.26
243.36	Christine Byrch	Reject	6.29
243.38	Christine Byrch	Accept in part	6.47
243.42	Christine Byrch	Accept in part	6.95
249.1	Willowridge Developments Limited	Reject	3.2
252.1	HW Richardson Group	Accept	5
252.3	HW Richardson Group	Accept	5
252.5	HW Richardson Group	Accept	5
252.6	HW Richardson Group	Accept in part	6.128
252.7	HW Richardson Group	Accept	6.127
252.8	HW Richardson Group	Reject	6.2
252.9	HW Richardson Group	Accept	5
256.1	Te Wanaka Lodge / Wanaka Selection	Reject	2
271.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	Reports 3 and 9A
289.21	A Brown	Reject	2
295.1	John Coe	Reject	2
296.3	Royal New Zealand Aero Club Inc/Flying NZ	Reject	2
324.1	Nevis Jones	Reject	2
338.1	Middleton Family Trust	Reject	3.1
	Middleton Family Trust	Reject	2
350.1	Dalefield Trustee Ltd	Accept in part	6.95
356.1	X-Ray Trust Limited	N/A	Section 6.70, 6.103, Chapter 43 (Millbrook) Report
361.4	Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd	Reject	3.1, 3.2
366.3	Robins Road Limited	Reject	2
383.1	Queenstown Lakes District Council	Accept in part	10.2
383.107	Queenstown Lakes District Council	N/A	2
383.107	Queenstown Lakes District Council	N/A	2
383.108	Queenstown Lakes District Council	N/A	2
383.108	Queenstown Lakes District Council	N/A	2
383.109	Queenstown Lakes District Council	N/A	2
383.110	Queenstown Lakes District Council	N/A	2
383.110	Queenstown Lakes District Council	N/A	2
383.5	Queenstown Lakes District Council	Reject	6.29
383.8	Queenstown Lakes District Council	Accept	4

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
400.5	James Cooper	Reject	2
410.3	Alps Investment Limited	Reject	2
414.1	Clark Fortune McDonald & Associates Ltd	Reject	3.1, 3.2
420.4	Lynn Campbell	Reject	2
420.5	Lynn Campbell	Reject	2
420.6	Lynn Campbell	Reject	2
421.1	Two Degrees Mobile Limited	Accept in part	Reports 3 and 8
426.36	Heritage New Zealand	Accept in part	Reports 2, 3, 4A, 8, 9A and 11
433.100	Queenstown Airport Corporation	Accept in part	10.3
433.101	Queenstown Airport Corporation	Reject	10.4
433.102	Queenstown Airport Corporation	Accept in part	10.9
433.103	Queenstown Airport Corporation	Reject	10.13
433.16	Queenstown Airport Corporation	Accept	5
433.31	Queenstown Airport Corporation	Reject	6.95
438.1	New Zealand Fire Service	Accept in part	Reports 3, 7 and 9A
465.1	Leigh Overton	Accept in part	9.2, 10.11
509.1	Lewis Grant	Reject	2
514.7	Duncan Fea	Reject	2
524.46	Ministry of Education	Accept in part	10.3
524.47	Ministry of Education	Accept in part	10.8
524.48	Ministry of Education	Accept	10.14
564.1	Glenorchy Community Association Committee	Reject	9.2
566.2	Airways Corporation of New Zealand	Accept in part	6.71, 6.85
568.9	Grant Laurie Bissett	Accept in part	6.95
580.1	Contact Energy Limited	Accept in Part	All reports
584.2	Air new Zealand Limited (ANZL)	Accept in part	Reports 4A and 11
592.1	Wanaka Kiwi Holiday Park & Motels Ltd	Reject	3.2
600.1	Federated Farmers of New Zealand	Accept in part	All reports
600.106	Federated Farmers of New Zealand	Accept in part	10.3
600.107	Federated Farmers of New Zealand	Accept in part	10.8
600.2	Federated Farmers of New Zealand	Accept in part	Relevant reports
600.9	Federated Farmers of New Zealand	Reject	Section 6.40
607.1	Te Anau Developments Limited	Reject	2
607.2	Te Anau Developments Limited	Accept in part	All reports
607.24	Te Anau Developments Limited	Accept in part	Report 4B
607.25	Te Anau Developments Limited	Reject	2
607.3	Te Anau Developments Limited	Accept in part	All reports
607.4	Te Anau Developments Limited	Accept in part	3.5
607.9	Te Anau Developments Limited	Reject	2
615.1	Cardrona Alpine Resort Limited	Reject	2
615.2	Cardrona Alpine Resort Limited	Accept in part	All reports
615.3	Cardrona Alpine Resort Limited	Accept in part	All reports

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
615.4	Cardrona Alpine Resort Limited	Accept in part	3.5
615.9	Cardrona Alpine Resort Limited	Reject	2
621.107	Real Journeys Limited	Accept in part	10.5
621.108	Real Journeys Limited	Accept in part	10.8
621.109	Real Journeys Limited	Accept in part	Section 10.10
621.110	Real Journeys Limited	Accept in part	10.11
621.2	Real Journeys Limited	Accept in part	All reports
621.3	Real Journeys Limited	Accept in part	All reports
621.4	Real Journeys Limited	Accept in part	3.5
621.80	Real Journeys Limited	Reject	2
621.81	Real Journeys Limited	Reject	2
621.82	Real Journeys Limited	Reject	3.7
621.89	Real Journeys Limited	Reject	2
621.89	Real Journeys Limited	Reject	2
621.9	Real Journeys Limited	Reject	2
623.1	John W Mclvor	Reject	2
624.1	D & M Columb	Reject	2
	D & M Columb	Accept in part	All reports
624.3	D & M Columb	Accept in part	3.5
624.5	D & M Columb	Reject	Section 6.120
624.9	D & M Columb	Reject	2
625.5	Upper Clutha Track Trust	Accept in part	Report 7
626.4	Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green	Accept in part	Reports 3 and 4A
626.5	Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green	Accept in part	Report 7
627.1	HW Holdings Ltd	Reject	2
627.3	HW Holdings Ltd	Reject	2
629.4	Morven Ferry Limited	Accept in part	Reports 3 and 4A
629.5	Morven Ferry Limited	Accept in part	Report 7
632.1	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	2
632.67	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	9.2
635.43	Aurora Energy Limited	Accept in part	10.4
635.44	Aurora Energy Limited	Accept in part	10.6
635.45	Aurora Energy Limited	Accept in part	10.8
635.46	Aurora Energy Limited	Accept in part	10.9
635.86	Aurora Energy Limited	See Report 8	Report 8
635.86	Aurora Energy Limited	Accept in part	Report 8
636.13	Crown Range Holdings Ltd	Reject	9.2
640.5	John Wellington	Reject	2
641.3	Aws Trustees No 31 Limited	Reject	2
643.1	Crown Range Enterprises	Reject	2
643.17	Crown Range Enterprises	Reject	9.2
643.18	Crown Range Enterprises	Reject	9.2
643.19	Crown Range Enterprises	Reject	9.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
643.20	Crown Range Enterprises	Reject	9.2
655.3	Bridesdale Farm Developments Limited	Reject	2
660.1	Andrew Fairfax	Reject	2
662.1	I and P Macauley	Reject	2
663.1	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	2
663.21	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	9.2
667.1	Cedric Hockey	Reject	2
669.1	Cook Adam Trustees Limited, C & M Burgess	Reject	2
669.2	Cook Adam Trustees Limited, C & M Burgess	Accept in part	All reports
669.21	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.5
669.22	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.8
669.23	Cook Adam Trustees Limited, C & M Burgess	Accept in part	Section 10.10
669.24	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.11
670.1	Lynette Joy Hamilton	Reject	3.1
672.35	Watertight Investments Ltd	Reject	9.2
677.10	Amrta Land Ltd	Reject	2
677.10	Amrta Land Ltd	Reject	2
677.1	Amrta Land Ltd	Reject	Section 6.120
677.5	Amrta Land Ltd	Reject	2
681.1	Gerard Auckram	Reject	2
684.3	Michael Ramsay	Reject	2
684.5	Michael Ramsay	Reject	2
685.1	Tony Moran	Reject	2
686.1	Garth Makowski	Reject	2
688.1	Justin Crane and Kirsty Mactaggart	Reject	2
688.12	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.13	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.14	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.15	Justin Crane and Kirsty Mactaggart	Reject	9.2
689.3	Kingston Lifestyle Family Trust	Reject	2
691.4	Aaron and Rebecca Moody	Reject	2
693.18	Private Property Limited	Reject	9.2
693.19	Private Property Limited	Reject	9.2
693.20	Private Property Limited	Reject	9.2
693.21	Private Property Limited	Reject	9.2
694.1	Glentui Heights Ltd	Reject	2
694.26	Glentui Heights Ltd	Reject	9.2
694.27	Glentui Heights Ltd	Reject	9.2
694.28	Glentui Heights Ltd	Reject	9.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
694.29	Glentui Heights Ltd	Reject	9.2
696.35	Millbrook Country Club Ltd	Reject	9.2
696.36	Millbrook Country Club Ltd	Reject	9.2
696.37	Millbrook Country Club Ltd	Reject	9.2
696.38	Millbrook Country Club Ltd	Reject	9.2
696.40	Millbrook Country Club Ltd	Reject	2
698.1	Spence Farms Ltd	Reject	2
700.4	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.5	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.6	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.7	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
702.15	Lake Wakatipu Stations Limited	Reject	9.2
702.16	Lake Wakatipu Stations Limited	Reject	9.2
702.17	Lake Wakatipu Stations Limited	Reject	9.2
702.18	Lake Wakatipu Stations Limited	Reject	9.2
712.1	Bobs Cove Developments Limited	Reject	2
712.1	Bobs Cove Developments Limited	Reject	2
712.15	Bobs Cove Developments Limited	Accept in part	10.5
712.16	Bobs Cove Developments Limited	Accept in part	10.8
712.17	Bobs Cove Developments Limited	Accept in part	Section 10.10
712.18	Bobs Cove Developments Limited	Accept in part	10.11
712.2	Bobs Cove Developments Limited	Accept in part	All reports
712.2	Bobs Cove Developments Limited	Accept in part	All reports
713.1	Heli Tours Limited	Reject	2
713.1	Heli Tours Limited	Reject	2
715.1	Jardine Family Trust and Remarkables Station Limited	Reject	3.1
716.1	Ngai Tahu Tourism Ltd	Reject	2
716.1	Ngai Tahu Tourism Ltd	Reject	2
716.2	Ngai Tahu Tourism Ltd	Accept in part	All reports
716.2	Ngai Tahu Tourism Ltd	Accept in part	All reports
716.3	Ngai Tahu Tourism Ltd	Reject	Section 6.120
716.7	Ngai Tahu Tourism Ltd	Reject	2
717.2	The Jandel Trust	Reject	2
718.1	Allium Trustees Limited	Reject	2
718.1	Allium Trustees Limited	Reject	2
719.145	NZ Transport Agency	Accept in part	10.4
719.146	NZ Transport Agency	Reject	10.13
719.163	NZ Transport Agency	N/A	2
719.164	NZ Transport Agency	N/A	2
719.165	NZ Transport Agency	N/A	2
719.2	NZ Transport Agency	Accept	6.105
723.1	Wakatipu Aero Club	Accept in part	Report 4A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
724.3	Queenstown Gold Ltd	Reject	9.2
730.1	Adrian Snow	Accept in part	Report 4A
732.1	Revell William Buckham	Accept in part	Report 4A
734.1	Kerry Connor	Accept in part	Report 4A
736.1	Southern Lakes Learn to Fly Limited	Accept in part	Report 4A
738.1	Hank Sproull	Accept in part	Report 4A
739.1	Southern Lakes Learn to Fly Limited	Accept in part	Report 4A
746.8	Bunnings Limited	Reject	2
754.2	Bruce Patton	Accept	Report 3
759.1	Shaping our Future	Accept in part	Reports 3, 7, 8 and 11
760.1	Southern Lakes Aviation Limited	Accept in part	Report 4A
768.1	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	4
768.2	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	5, 6.11, 6.18, 6.104
768.25	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.3
768.26	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.4
768.27	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.5
768.28	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.6
768.29	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	10.7
768.30	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.8
768.31	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.9
768.32	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	Section 10.10
768.33	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.11
768.34	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.12
768.35	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	10.13
768.36	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.14
768.4	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	Section 6.100
773.13	John & Jill Blennerhassett	Accept	Report 9A
776.5	Hawthenden Limited	Accept in part	Reports 3 and 4A
780.1	Rogers Francis Monk	Reject	2
781.1	Chorus New Zealand Limited	Accept in part	Reports 3 and 8
781.2	Chorus New Zealand Limited	Accept	All reports
788.4	Otago Fish and Game Council	Accept in part	Report 4A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
797.1	Marjorie Goodger	Reject	2
798.12	Otago Regional Council	Accept	10.1
798.13	Otago Regional Council	Accept in part	10.3
798.14	Otago Regional Council	Accept in part	10.3
798.15	Otago Regional Council	Accept	10.2
798.16	Otago Regional Council	Accept	Sections 9-10
798.18	Otago Regional Council	Accept in part	Section 10.10
798.19	Otago Regional Council	Accept in part	10.9
798.20	Otago Regional Council	Reject	10.11
798.26	Otago Regional Council	Accept in part	Report 7
798.48	Otago Regional Council	Reject part, balance considered in Mapping Stream reports	2
799.1	Brian & Sheila McCaughan	Reject	2
805.17	Transpower New Zealand Limited	Accept in part	Section 6.100
805.66	Transpower New Zealand Limited	Reject	10.1
805.67	Transpower New Zealand Limited	Accept in part	10.4
805.68	Transpower New Zealand Limited	Reject	10.13
806.194	Queenstown Park Limited	Accept	10.4
806.195	Queenstown Park Limited	Accept in part	10.5
806.196	Queenstown Park Limited	Accept in part	10.7
806.197	Queenstown Park Limited	Reject	10.8
806.199	Queenstown Park Limited	Accept in part	Section 10.10
806.200	Queenstown Park Limited	Accept in part	10.11
806.201	Queenstown Park Limited	Accept in part	10.12
806.202	Queenstown Park Limited	Reject	10.13
806.203	Queenstown Park Limited	Accept in part	10.16
806.3	Queenstown Park Limited	Accept in part	Reports 3, 4A, 7 and 8
806.6	Queenstown Park Limited	Reject	6.18
807.1	Remarkables Park Limited	Accept in part	Report 3
807.2	Remarkables Park Limited	Reject	2
807.3	Remarkables Park Limited	Reject	2
807.4	Remarkables Park Limited	Accept	Reports 3 and 7
807.5	Remarkables Park Limited	Reject	3.3
807.8	Remarkables Park Limited	Accept	3.5
809.14	Queenstown Lakes District Council	Accept in part	3.5
809.8	Queenstown Lakes District Council	Accept in part	3.5
809.9	Queenstown Lakes District Council	Accept in part	3.5
811.14	Marc Scaife	Reject	3.4
819.1	Mark McGuinness	Accept in part	Reports 3 and 11
823.1	B J Gan	Accept	Report 12
834.1	Helen McPhail	Reject	2
836.12	Arcadian Triangle Limited	Accept in part	6.95
836.13	Arcadian Triangle Limited	Accept in part	4
836.14	Arcadian Triangle Limited	Accept	4

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
836.23	Arcadian Triangle Limited	Reject	3.6
836.4	Arcadian Triangle Limited	Accept	6.26
836.6	Arcadian Triangle Limited	Accept	6.41
836.7	Arcadian Triangle Limited	Accept in part	6.41
845.1	Simon Hayes	Accept in part	All reports
849.1	Otago Rural Fire Authority	Reject	9.2
849.2	Otago Rural Fire Authority	Accept in part	9.2, 10.11
850.2	R & R Jones	Reject	3.1
854.1	Slopehill Properties Limited	Reject	2
854.2	Slopehill Properties Limited	Accept in part	All reports
145.22,	Upper Clutha Environmental Society (Inc)	Reject	3.9
687.1,	Lynden Cleugh	Accept in part	All reports

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.8	717.2	Universal Developments Limited	Accept	2
FS1034.1	600.1	Upper Clutha Environmental Society (Inc.)	Accept in part	All reports
FS1034.106	600.106	Upper Clutha Environmental Society (Inc.)	Accept in part	10.3
FS1034.107	600.107	Upper Clutha Environmental Society (Inc.)	Accept in part	10.8
FS1034.2	600.2	Upper Clutha Environmental Society (Inc.)	Accept in part	Relevant reports
FS1034.9	600.9	Upper Clutha Environmental Society (Inc.)	Accept	Section 6.40
FS1035.1	677.1	Mark Crook	Accept	Section 6.120
FS1035.5	677.5	Mark Crook	Accept	2
FS1040.40	600.9	Forest and Bird	Accept	Section 6.40
FS1059.77	366.3	Erna Spijkerbosch	Reject	2
FS1059.78	366.3	Erna Spijkerbosch	Reject	2
FS1059.79	420.5	Erna Spijkerbosch	Accept	2
FS1059.8	68.1	Erna Spijkerbosch	Reject	6.41
FS1061.32	655.3	Otago Foundation Trust Board	Reject	2
FS1061.42	717.2	Otago Foundation Trust Board	Accept	2
FS1064.3	655.3	Martin MacDonald	Accept in part	2
FS1066.1	730.1	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in part	Report 4A
FS1070.4	626.4	Lyn Hamilton	Accept in part	Reports 3 and 4A
FS1070.5	626.5	Lyn Hamilton	Accept in part	Report 7

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1071.104	414.1	Lake Hayes Estate Community Association	Accept	3.1, 3.2
FS1071.112	850.2	Lake Hayes Estate Community Association	Accept	3.1
FS1071.4	655.3	Lake Hayes Estate Community Association	Accept in part	2
FS1072.4	626.4	Jay Berriman	Accept in part	Reports 3 and 4A
FS1072.5	626.5	Jay Berriman	Accept in part	Report 7
FS1073.57	715.1	Greig Garthwaite	Accept	3.1
FS1074.1	677.1	Alistair Angus	Accept	Section 6.120
FS1074.10	677.10	Alistair Angus	Accept	2
FS1074.10	677.10	Alistair Angus	Accept	2
FS1074.5	677.5	Alistair Angus	Accept	2
FS1077.54	584.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	Reports 4A and 11
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Reject	Section 6.100
FS1083.1	807.3	Clark Fortune McDonald	Accept in part	Report 3
FS1089.18	819.1	Mark McGuinness	Accept in part	Reports 3 and 11
FS1090.1	145.6	Jardine Family Trust and Remarkables Station Limited	Accept	3.9
FS1090.6	249.1	Jardine Family Trust and Remarkables Station Limited	Accept	3.2
FS1096.22	715.1	Peter & Carol Haythornthwaite	Accept	3.1
FS1097.104	271.1	Queenstown Park Limited	Accept in part	Reports 3 and 9A
FS1097.137	295.1	Queenstown Park Limited	Accept	2
FS1097.146	324.1	Queenstown Park Limited	Reject	2
FS1097.256	400.5	Queenstown Park Limited	Accept	2
FS1097.276	414.1	Queenstown Park Limited	Reject	3.1, 3.2
FS1097.28	145.6	Queenstown Park Limited	Accept	3.9
FS1097.302	433.16	Queenstown Park Limited	Reject	5
FS1097.317	433.31	Queenstown Park Limited	Accept	6.95
FS1097.386	433.100	Queenstown Park Limited	Accept in part	10.3
FS1097.387	433.101	Queenstown Park Limited	Reject	10.4
FS1097.388	433.102	Queenstown Park Limited	Accept in part	10.9
FS1097.389	433.103	Queenstown Park Limited	Accept	10.13
FS1097.39	145.22	Queenstown Park Limited	Accept	3.9
FS1097.41	145.26	Queenstown Park Limited	Accept	3.1
FS1097.41	145.26	Queenstown Park Limited	Accept	2
FS1097.419	438.1	Queenstown Park Limited	Accept in part	Reports 3, 7 and 9A
FS1097.44	145.31	Queenstown Park Limited	Accept	3.9
FS1097.534	600.1	Queenstown Park Limited	Accept in part	All reports

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.547	607.9	Queenstown Park Limited	Reject	2
FS1097.596	615.5	Queenstown Park Limited	Reject	Section 6.120
FS1097.600	615.9	Queenstown Park Limited	Reject	2
FS1097.606	621.9	Queenstown Park Limited	Reject	2
FS1097.615	621.109	Queenstown Park Limited	Accept in part	Section 10.10
FS1097.619	621.89	Queenstown Park Limited	Accept	2
FS1097.619	621.89	Queenstown Park Limited	Reject	2
FS1097.621	624.5	Queenstown Park Limited	Reject	Section 6.120
FS1097.631	626.4	Queenstown Park Limited	Accept in part	Reports 3 and 4A
FS1097.632	626.5	Queenstown Park Limited	Accept in part	Report 7
FS1097.634	629.4	Queenstown Park Limited	Accept in part	Reports 3 and 4A
FS1097.639	632.67	Queenstown Park Limited	Reject	9.2
FS1097.651	677.1	Queenstown Park Limited	Reject	Section 6.120
FS1097.655	677.5	Queenstown Park Limited	Reject	2
FS1097.685	716.3	Queenstown Park Limited	Reject	Section 6.120
FS1097.689	716.7	Queenstown Park Limited	Reject	2
FS1097.697	719.145	Queenstown Park Limited	Accept in part	10.4
FS1097.701	759.1	Queenstown Park Limited	Reject	2
FS1097.723	836.13	Queenstown Park Limited	Accept in part	4
FS1097.728	836.23	Queenstown Park Limited	Reject	3.6
FS1098.3	383.109	Heritage New Zealand Pouhere Taonga	N/A	2
FS1103.57	715.1	Ben and Catherine Hudson	Accept	3.1
FS1105.1	615.1	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2
FS1105.2	615.2	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	All reports
FS1105.3	615.3	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	All reports
FS1105.4	615.4	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.5
FS1105.9	615.9	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2
FS1106.9	566.2	Chorus New Zealand Limited	Accept in part	6.71, 6.85
FS1108.57	715.1	Christine and Neville Cunningham	Accept	3.1
FS1114.57	715.1	Lingasen and Janet Moodley	Accept	3.1
FS1115.10	621.89	Queenstown Wharves Limited	Reject	2
FS1115.10	621.89	Queenstown Wharves Limited	Reject	2
FS1115.11	759.1	Queenstown Wharves Limited	Reject	2
FS1116.57	715.1	Stephen and Karen Pearson	Accept	3.1

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.148	433.101	Remarkables Park Limited	Accept in part	10.4
FS1117.149	433.103	Remarkables Park Limited	Accept	10.13
FS1117.16	243.1	Remarkables Park Limited	Accept	3.4
FS1117.187	433.100	Remarkables Park Limited	Accept in part	10.3
FS1117.188	433.102	Remarkables Park Limited	Accept in part	10.9
FS1117.21	271.1	Remarkables Park Limited	Accept in part	Reports 3 and 9A
FS1117.226	584.2	Remarkables Park Limited	Accept in part	Reports 4A and 11
FS1117.234	600.1	Remarkables Park Limited	Accept in part	All reports
FS1117.242	607.9	Remarkables Park Limited	Reject	2
FS1117.248	615.5	Remarkables Park Limited	Reject	Section 6.120
FS1117.252	615.9	Remarkables Park Limited	Reject	2
FS1117.259	621.9	Remarkables Park Limited	Reject	2
FS1117.265	677.1	Remarkables Park Limited	Reject	Section 6.120
FS1117.269	677.5	Remarkables Park Limited	Reject	2
FS1117.273	716.3	Remarkables Park Limited	Reject	Section 6.120
FS1117.277	716.7	Remarkables Park Limited	Reject	2
FS1117.283	836.7	Remarkables Park Limited	Accept	6.41
FS1117.285	845.1	Remarkables Park Limited	Accept in part	All reports
FS1117.42	324.1	Remarkables Park Limited	Reject	2
FS1117.52	400.5	Remarkables Park Limited	Accept	2
FS1117.72	433.16	Remarkables Park Limited	Reject	5
FS1117.87	433.31	Remarkables Park Limited	Accept	6.95
FS1118.4	361.4	Robins Road Limited	Reject	3.1, 3.2
FS1121.44	809.8	Aurora Energy Limited	Accept in part	3.5
FS1121.45	809.9	Aurora Energy Limited	Accept in part	3.5
FS1124.4	626.4	Dennis Rogers	Accept in part	Reports 3 and 4A
FS1124.5	626.5	Dennis Rogers	Accept in part	Report 7
FS1125.1	849.1	New Zealand Fire Service	Reject	9.2
FS1125.2	465.1	New Zealand Fire Service	Accept in part	9.2, 10.11
FS1132.34	625.5	Federated Farmers of New Zealand	Accept in part	Report 7
FS1136.1	249.1	Ian Percy	Accept	3.2
FS1137.10	615.9	Kay Curtis	Reject	2
FS1137.2	615.1	Kay Curtis	Reject	2
FS1137.3	615.2	Kay Curtis	Accept in part	All relevant reports
FS1137.4	615.3	Kay Curtis	Accept in part	All reports
FS1137.5	615.4	Kay Curtis	Accept in part	3.5
FS1139.2	663.1	Carl & Lorraine Holt	Accept	2
FS1139.22	663.21	Carl & Lorraine Holt	Accept in part	9.2

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1145.1	715.1	John Martin Management Company Limited	Reject	3.1
FS1152.10	621.80	Kawarau Jet Services Holdings Ltd	Accept	2
FS1152.5	621.9	Kawarau Jet Services Holdings Ltd	Reject	2
FS1155.1	145.26	Mt Rosa Wines Ltd	Accept	3.1
FS1155.1	145.26	Mt Rosa Wines Ltd	Accept	2
FS1159.4	805.68	PowerNet Ltd	Reject	10.13
FS1160.1	9.9	Otago Regional Council	Accept	2
FS1160.3	438.1	Otago Regional Council	Accept in part	Reports 3, 7 and 9A
FS1160.5	600.1	Otago Regional Council	Accept in part	All reports
FS1160.6	607.4	Otago Regional Council	Accept in part	3.5
FS1162.22	145.22	James Wilson Cooper	Accept	3.9
FS1162.23	145.23	James Wilson Cooper	Accept	2
FS1162.24	145.24	James Wilson Cooper	Accept	2
FS1162.26	145.26	James Wilson Cooper	Accept	3.1
FS1162.26	145.26	James Wilson Cooper	Accept	2
FS1162.28	145.28	James Wilson Cooper	Accept	2
FS1162.31	145.31	James Wilson Cooper	Accept	3.9
FS1162.34	145.34	James Wilson Cooper	Accept	2
FS1162.6	145.6	James Wilson Cooper	Accept	3.9
FS1182.1	798.13	Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Accept in part	10.3
FS1182.2	798.14	Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Accept in part	10.3
FS1191.1	663.1	Adam & Kirsten Zaki	Accept	2
FS1191.21	663.21	Adam & Kirsten Zaki	Accept in part	9.2
FS1192.132	715.1	Murray and Jennifer Butler	Accept	3.1
FS1192.57	715.1	Murray and Jennifer Butler	Accept	3.1
FS1208.9	566.2	Vodafone New Zealand Limited	Accept in part	6.71, 6.85
FS1209.1	600.1	Richard Burdon	Accept in part	All reports
FS1209.106	600.106	Richard Burdon	Accept in part	10.3
FS1209.107	600.107	Richard Burdon	Accept in part	10.8
FS1209.2	600.2	Richard Burdon	Accept in part	Relevant reports
FS1209.9	600.9	Richard Burdon	Reject	Section 6.40
FS1211.20	805.17	New Zealand Defence Force	Accept in part	Section 6.100
FS1211.34	271.1	New Zealand Defence Force	Accept in part	Reports 3 and 9A
FS1211.36	768.4	New Zealand Defence Force	Accept	Section 6.100
FS1218.57	715.1	Grant and Cathy Boyd	Accept	3.1
FS1219.2	632.1	Bravo Trustee Company	Accept	2
FS1219.68	632.67	Bravo Trustee Company	Accept in part	9.2
FS1219.93	715.1	Bravo Trustee Company	Accept	3.1
FS1224.1	243.1	Matakauri Lodge Limited	Accept	3.4

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1224.35	243.35	Matakauri Lodge Limited	Accept in part	6.26
FS1224.36	243.36	Matakauri Lodge Limited	Accept	6.29
FS1224.38	243.38	Matakauri Lodge Limited	Reject	6.47
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	6.95
FS1224.61	811.14	Matakauri Lodge Limited	Accept	3.4
FS1225.57	715.1	David Martin and Margaret Poppleton	Accept	3.1
FS1227.57	715.1	James and Elisabeth Ford	Accept	3.1
FS1229.4	361.4	NXSki Limited	Reject	3.1, 3.2
FS1235.19	621.89	Jet Boating New Zealand	Accept	2
FS1235.19	621.89	Jet Boating New Zealand	Accept in part	2
FS1237.57	715.1	Kristi and Jonathan Howley	Accept	3.1
FS1242.2	208.1	Antony & Ruth Stokes	Accept	2
FS1247.57	715.1	Mark and Katherine Davies	Accept	3.1
FS1250.57	715.1	Sonia and Grant Voldseth and McDonald	Accept	3.1
FS1252.2	632.1	Tim & Paula Williams	Accept	2
FS1252.68	632.67	Tim & Paula Williams	Accept in part	9.2
FS1252.93	715.1	Tim & Paula Williams	Accept	3.1
FS1253.9	566.2	Spark New Zealand Trading Limited	Accept in part	6.71, 6.85
FS1254.123	145.26	Allenby Farms Limited	Accept	3.1
FS1254.123	145.26	Allenby Farms Limited	Accept	2
FS1255.10	414.1	Arcadian Triangle Limited	Reject	3.1, 3.2
FS1270.108	717.2	Hansen Family Partnership	Reject	2
FS1270.74	338.1	Hansen Family Partnership	Reject	3.1
FS1270.74	338.1	Hansen Family Partnership	Reject	2
FS1275.175	632.1	"Jacks Point" (Submitter number 762 and 856)	Accept	2
FS1275.241	632.67	"Jacks Point" (Submitter number 762 and 856)	Accept in part	9.2
FS1277.5	632.1	Jacks Point Residents and Owners Association	Accept	2
FS1277.71	632.67	Jacks Point Residents and Owners Association	Accept in part	9.2
FS1277.96	715.1	Jacks Point Residents and Owners Association	Reject	3.1
FS1283.115	632.1	MJ and RB Williams and Brabant	Accept	2
FS1283.181	632.67	MJ and RB Williams and Brabant	Accept in part	9.2
FS1283.212	715.1	MJ and RB Williams and Brabant	Accept	3.1
FS1286.54	854.1	Mr M and Mrs J Henry	Reject	2
FS1286.55	854.2	Mr M and Mrs J Henry	Accept in part	All reports
FS1287.138	768.27	New Zealand Tungsten Mining Limited	Accept in part	10.5
FS1287.139	768.28	New Zealand Tungsten Mining Limited	Accept in part	10.6
FS1287.140	768.32	New Zealand Tungsten Mining Limited	Accept in part	Section 10.10

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.141	768.31	New Zealand Tungsten Mining Limited	Accept in part	10.9
FS1287.142	768.33	New Zealand Tungsten Mining Limited	Accept in part	10.11
FS1289.23	338.1	Oasis In The Basin Association	Accept	3.1
FS1289.23	338.1	Oasis In The Basin Association	Reject	2
FS1293.57	715.1	Joanna and Simon Taverner	Accept	3.1
FS1299.57	715.1	Thomas Ibbotson	Accept	3.1
FS1300.3	42.3	Wanaka Trust	Accept	9.2
FS1301.20	635.86	Transpower New Zealand Limited (Transpower)	See Report 8	Report 8
FS1301.20	635.86	Transpower New Zealand Limited (Transpower)	Accept in part	Report 8
FS1310.4	626.4	Anna-Marie Chin	Accept in part	Reports 3 and 4A
FS1310.5	626.5	Anna-Marie Chin	Accept in part	Report 7
FS1312.1	677.1	AG Angus	Accept	Section 6.120
FS1312.10	677.10	AG Angus	Accept	2
FS1312.10	677.10	AG Angus	Accept	2
FS1312.5	677.5	AG Angus	Accept	2
FS1313.65	145.6	Darby Planning LP	Accept	3.9
FS1313.72	145.28	Darby Planning LP	Accept	2
FS1313.73	145.22	Darby Planning LP	Accept	3.9
FS1313.75	145.31	Darby Planning LP	Accept	3.9
FS1313.80	145.31	Darby Planning LP	Accept	3.9
FS1316.1	632.1	Harris-Wingrove Trust	Accept	2
FS1316.67	632.67	Harris-Wingrove Trust	Accept in part	9.2
FS1316.91	715.1	Harris-Wingrove Trust	Accept	3.1
FS1321.57	715.1	John and Mary Catherine Holland	Accept	3.1
FS1327.12	629.5	Morven Ferry	Accept in part	Report 7
FS1327.6	626.5	Morven Ferry	Accept in part	Report 7
FS1329.19	621.9	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	2
FS1329.2	615.9	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	2
FS1330.12	621.9	Treble Cone Investments Limited	Reject	2
FS1330.2	615.9	Treble Cone Investments Limited	Reject	2
FS1336.2	145.23	Peninsula Bay Joint Venture	Accept	2
FS1336.3	145.34	Peninsula Bay Joint Venture	Accept	2
FS1340.5	566.2	Queenstown Airport Corporation	Accept in part	6.71, 6.85
FS1340.6	768.4	Queenstown Airport Corporation	Accept	Section 6.100
FS1341.26	719.145	Real Journeys Limited	Accept in part	10.4
FS1341.31	836.23	Real Journeys Limited	Reject	3.6
FS1342.17	719.145	Te Anau Developments Limited	Accept in part	10.4
FS1342.21	836.23	Te Anau Developments Limited	Reject	3.6

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1345.12	296.3	Skydive Queenstown Limited	Reject	2
FS1347.14	145.26	Lakes Land Care	Accept	3.1
FS1347.14	145.26	Lakes Land Care	Accept	2
FS1347.15	145.28	Lakes Land Care	Accept	2
FS1347.17	145.31	Lakes Land Care	Accept	3.9
FS1347.3	145.6	Lakes Land Care	Accept	3.9
FS1347.85	625.5	Lakes Land Care	Accept in part	Report 7
FS1353.4	626.4	Phillip Vautier	Accept in part	Reports 3 and 4A
FS1353.5	626.5	Phillip Vautier	Accept in part	Report 7
FS1364.1	677.1	John and Kay Richards	Accept	Section 6.120
FS1364.10	677.10	John and Kay Richards	Accept	2
FS1364.10	677.10	John and Kay Richards	Accept	2
FS1364.5	677.5	John and Kay Richards	Accept	2

Appendix 4: Recommendations on Submissions and Further Submissions on Definitions made by other Panels

Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
68.1	Nigel Sadlier	Accept in part	9A	36.9	6.41
84.1	Richard Hanson	Accept in part	4A	5.16	6.108
170.1	Cameron Steele	Reject	9A	36.2	6.18
179.3	Vodafone NZ	Reject	8	6.2	6.18
179.4	Vodafone NZ	Accept	8	6.1	6.44
179.5	Vodafone NZ	Accept in part	8	5.14	6.64
179.6	Vodafone NZ	Reject	8	6.3	6.116
179.7	Vodafone NZ	Reject	8	6.4	6.125
191.2	Spark Trading NZ Limited	Reject	8	6.2	6.18
191.3	Spark Trading NZ Limited	Accept	8	6.1	6.44
191.4	Spark Trading NZ Limited	Accept in part	8	5.14	6.64
191.5	Spark Trading NZ Limited	Reject	8	6.3	6.116
191.6	Spark Trading NZ Limited	Reject	8	6.4	6.125
208.43	Pounamu Body Corporate Committee	Accept	9A	36.8	6.39
220.1	Clive Manners Wood	Reject	4A	22	6.50
243.34	Christine Byrch		11	62	6.9
243.37	Christine Byrch	Reject	4A	22	6.26
243.39	Christine Byrch	Accept in part	4A	58	6.70
243.40	Christine Byrch	Reject	8	18.2	5
243.4	Christine Byrch	Accept in part	9A	36.1	6.5
243.41	Christine Byrch	Accept in part	9A	36.11	6.95
243.42	Christine Byrch	Accept in part	9A	36.11	6.95
243.43	Christine Byrch	Accept in part	9A	36.11	6.96
243.44	Christine Byrch	Reject	4A	5.16	6.108
243.45	Christine Byrch	Accept in part	8	12.3	6.117
243.46	Christine Byrch	Reject	8	12.4	6.118
251.32	PowerNet Limited	Accept in part	8	5.14	6.64
252.4	HW Richardson Group	Accept	4A	22	5
271.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	9A	36.1	6.6
296.1	Royal New Zealand Aero Club Inc/Flying NZ	Reject	11	62	6.8
296.2	Royal New Zealand Aero Club Inc/Flying NZ	Accept in part	4A	22	6.50
315.1	The Alpine Group Limited	Reject	4A	48.2	6.48
339.10	Evan Alty	Reject	4A	60	6.34
339.11	Evan Alty	Reject	4A	48.1	6.48
339.12	Evan Alty	Accept in part	4A	58	6.70
339.13	Evan Alty	Reject	4A	58	5
339.9	Evan Alty	Accept in part	4A	48.2	6.21
344.10	Sam Flewellen	Accept	11	48	6.19
344.11	Sam Flewellen	Accept	11	48	6.121
350.1	Dalefield Trustee Ltd	Accept in part	9A	36.11	6.95

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
373.1	Department of Conservation	Accept	4A	48.2	6.21
373.2	Department of Conservation	Accept in part	4A	52.2	6.16
373.3	Department of Conservation	Accept in part	4A	52.2	6.75
376.1	Southern Hemisphere Proving Grounds Limited	Accept	4A	5.16	6.108
383.2	Queenstown Lakes District Council	Accept	8	6.5	6.32
383.3	Queenstown Lakes District Council		11	62	6.8
383.4	Queenstown Lakes District Council	Accept	8	6.4	6.125
383.6	Queenstown Lakes District Council	Accept	8	5.15	6.102
400.2	James Cooper	Reject	4A	9.1	6.18
400.7	James Cooper	Reject	4A	48	6.21
407.1	Mount Cardrona Station Limited	Accept in part	4A	5.16	6.79
408.2	Otago Foundation Trust Board	Reject	9A	36.1	6.5
421.2	Two Degrees Mobile Limited	Reject	8	6.2	6.18
421.3	Two Degrees Mobile Limited	Accept	8	6.1	6.44
421.4	Two Degrees Mobile Limited	Accept in part	8	5.14	6.64
421.5	Two Degrees Mobile Limited	Reject	8	6.3	6.116
421.6	Two Degrees Mobile Limited	Reject	8	6.4	6.125
433.1	Queenstown Airport Corporation	Accept	11	62	5
433.10	Queenstown Airport Corporation	Reject	11	62	6.11
433.11	Queenstown Airport Corporation	Transferred to Definitions	11	62	5
433.12	Queenstown Airport Corporation	Accept	11	62	6.12
433.13	Queenstown Airport Corporation	Accept in Part	11	62	6.13
433.14	Queenstown Airport Corporation	Accept in Part	11	62	6.13
433.15	Queenstown Airport Corporation	Reject	11	62	6.17
433.16	Queenstown Airport Corporation	Accept	11	62	5
433.17	Queenstown Airport Corporation	Accept	11	62	6.22
433.18	Queenstown Airport Corporation	Accept	11	62	6.25
433.19	Queenstown Airport Corporation	Accept	11	62	5
433.2	Queenstown Airport Corporation	Accept	11	62	6.5
433.20	Queenstown Airport Corporation	Accept	11	62	5
433.21	Queenstown Airport Corporation	Accept	11	62	6.30
433.23	Queenstown Airport Corporation	Accept	11	62	6.49
433.24	Queenstown Airport Corporation	Accept	4A	22	6.50
433.25	Queenstown Airport Corporation	Accept	11	62	6.53
433.26	Queenstown Airport Corporation	Accept	11	62	5
433.27	Queenstown Airport Corporation	Accept in Part	11	62	6.77
433.28	Queenstown Airport Corporation	Reject	11	62	6.78
433.29	Queenstown Airport Corporation	Accept in Part	11	62	6.83
433.30	Queenstown Airport Corporation	Accept	9A	36.11	6.95
433.3	Queenstown Airport Corporation	Accept	11	62	6.6
433.31	Queenstown Airport Corporation	Accept in part	9A	36.11	6.95
433.32	Queenstown Airport Corporation	Accept in part	9A	36.11	6.96
433.33	Queenstown Airport Corporation	Reject	8	12.3	6.117
433.34	Queenstown Airport Corporation	Accept	11	62	6.126
433.35	Queenstown Airport Corporation	Accept	11	62	5

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
433.36	Queenstown Airport Corporation	Accept	11	62	5
433.5	Queenstown Airport Corporation	Accept in Part	11	62	6.8
433.6	Queenstown Airport Corporation	Accept	11	62	6.9
433.7	Queenstown Airport Corporation	Accept	11	62	6.10
433.8	Queenstown Airport Corporation	Accept	11	62	6.10
433.9	Queenstown Airport Corporation	Accept in Part	11	62	6.11
438.2	New Zealand Fire Service	Accept in part	9A	36.4	6.22
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	8	12.2	6.90, 6.91, 6.93, 6.97
519.1	New Zealand Tungsten Mining Limited	Accept	4A	5.12	5
519.2	New Zealand Tungsten Mining Limited	Accept in part	4A	5.12	6.62
519.4	New Zealand Tungsten Mining Limited	Reject	4A	5.15	5
519.5	New Zealand Tungsten Mining Limited	Accept	4A	5.12	6.60
519.6	New Zealand Tungsten Mining Limited	Accept in part	4A	5.12	6.60
519.7	New Zealand Tungsten Mining Limited	Reject	8	12.3	6.117
524.1	Ministry of Education	Accept	9A	36.5	6.30
524.2	Ministry of Education	Accept in part	9A	36.4	6.22
524.3	Ministry of Education	Accept	9A	36.4	6.23
524.4	Ministry of Education	Accept in part	9A	36.5	5
566.1	Airways Corporation of New Zealand	Accept in Part	11	62	6.11
566.2	Airways Corporation of New Zealand	Transferred to Definitions	11	62	6.85
568.9	Grant Laurie Bissett	Accept in part	9A	36.11	6.95
584.3	Air new Zealand Limited (ANZL)	Reject	11	62	6.5
600.10	Federated Farmers of New Zealand	Reject	4A	48.1	6.48
600.4	Federated Farmers of New Zealand	Reject	4A	9.1	6.18
600.5	Federated Farmers of New Zealand	Reject	4A	48.2	6.21
600.6	Federated Farmers of New Zealand	Accept in part	4A	22	5
600.7	Federated Farmers of New Zealand	Reject	4A	22	6.37
600.8	Federated Farmers of New Zealand	Reject	4A	22	5
607.44	Te Anau Developments Limited	Reject	8	12.3	5
610.20	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	4A	5.16	6.18
610.22	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in part	4A	5.16	6.108
613.20	Treble Cone Investments Limited.	Reject	4A	5.16	6.18
613.21	Treble Cone Investments Limited.	Accept in part	4A	5.16	6.108
615.21	Cardrona Alpine Resort Limited	Accept in part	4A	5.16	6.108

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
	Cardrona Alpine Resort Limited	Reject	8	12.3	5
	Real Journeys Limited	Reject	8	12.3	5
624.37	D & M Columb	Reject	4A	9.1	6.26
635.1	Aurora Energy Limited	Reject	8	2.2	5
635.2	Aurora Energy Limited	Accept	8	6.1	5
635.3	Aurora Energy Limited	Accept in part	8	6.1	6.31
635.4	Aurora Energy Limited	Reject	8	6.1	6.31
635.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
635.6	Aurora Energy Limited	Accept in part	8	6.7	6.87
635.7	Aurora Energy Limited	Reject	8	6.8	6.115
635.8	Aurora Energy Limited	Accept in part	8	12.3	6.117
635.9	Aurora Energy Limited	Accept in part	8	6.2	6.125
649.20	Southern District Health Board	Accept	8	18.3	6.76
678.1	Southern District Health Board	Accept	9A	36.4	6.23
678.2	Southern District Health Board	Accept	9A	36.4	6.23
701.1	Paul Kane	Reject	4A	48.2	6.21
701.2	Paul Kane	Reject	4A	9.1	5
706.2	Forest and Bird NZ	Reject	4A	60	6.34
706.3	Forest and Bird NZ	Accept in part	4A	48.1	6.48
706.4	Forest and Bird NZ	Accept in part	4A	58	6.70
706.5	Forest and Bird NZ	Reject	4A	58	5
719.3	NZ Transport Agency	Reject	8	6.4	6.125
746.5	Bunnings Limited	Accept in Part	11	48	6.19
746.6	Bunnings Limited	Reject	11	48	6.99
752.2	Michael Farrier	Reject	9A	36.3	5
781.3	Chorus New Zealand Limited	Reject	8	6.2	6.18
781.4	Chorus New Zealand Limited	Accept	8	6.1	6.44
781.5	Chorus New Zealand Limited	Accept in part	8	5.14	6.64
781.6	Chorus New Zealand Limited	Reject	8	6.3	6.116
781.7	Chorus New Zealand Limited	Reject	8	6.4	6.125
784.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
784.2	Jeremy Bell Investments Limited	Reject	4A	9.1	6.18
791.1	Tim Burdon	Reject	4A	48.2	6.21
791.2	Tim Burdon	Reject	4A	48.1	6.48
791.3	Tim Burdon	Reject	4A	9.1	6.18
794.1	Lakes Land Care	Reject	4A	48.2	6.21
794.2	Lakes Land Care	Reject	4A	48.2	6.48
794.3	Lakes Land Care	Reject	4A	9.1	6.18
805.10	Transpower New Zealand Limited	Accept	4A	22	6.37
805.11	Transpower New Zealand Limited	Accept in part	8	6.2	6.64
805.12	Transpower New Zealand Limited	Accept	8	5.15	6.66
805.13	Transpower New Zealand Limited	Accept	8	5.15	6.67
805.14	Transpower New Zealand Limited	Accept	8	5.15	6.68
805.15	Transpower New Zealand Limited	Accept	8	5.15	6.69
805.16	Transpower New Zealand Limited	Accept in part	8	6.7	6.87
805.17	Transpower New Zealand Limited	Reject	8	6.9	6.100

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
805.18	Transpower New Zealand Limited	Reject	8	5.15	5
805.19	Transpower New Zealand Limited	Accept in part	8	5.15	6.68
805.20	Transpower New Zealand Limited	Accept	8	6.1	5
805.21	Transpower New Zealand Limited	Accept in part	8	6.2	6.125
805.4	Transpower New Zealand Limited	Accept	8	6.1	5
805.5	Transpower New Zealand Limited	Reject	8	5.15	5
805.6	Transpower New Zealand Limited	Reject	8	5.15	5
805.7	Transpower New Zealand Limited	Reject	8	5.15	6.28
805.8	Transpower New Zealand Limited	Accept	4A	22	6.36
805.9	Transpower New Zealand Limited	Accept	4A	22	6.26
807.90	Remarkables Park Limited	Accept	11	62	6
836.1	Arcadian Triangle Limited	Accept in Part	11	62	6.5
836.10	Arcadian Triangle Limited	Accept in part	4A	58	6.70
836.11	Arcadian Triangle Limited	Accept in Part	11	62	6.77, 6.78
836.12	Arcadian Triangle Limited	Accept in part	9A	36.11	6.95
836.2	Arcadian Triangle Limited	Transferred to Definitions	11	62	5
836.3	Arcadian Triangle Limited	Accept	11	62	6.10
836.5	Arcadian Triangle Limited	Accept	9A	36.6	6.96
836.8	Arcadian Triangle Limited	Accept in part	9A	36.10	6.63
836.9	Arcadian Triangle Limited	Accept in part	8	5.15	6.66, 6.67, 6.68, 6.69
1365.1	New Zealand Defence Force	Accept in part	8	12.3	6.119

Appendix 4

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1015.37	519.1	Straterra	Accept	4A	5.12	5
FS1015.38	519.2	Straterra	Accept in part	4A	5.12	6.62
FS1015.40	519.4	Straterra	Reject	4A	5.15	5
FS1015.41	519.5	Straterra	Accept	4A	5.12	6.60
FS1015.42	519.6	Straterra	Accept in part	4A	5.12	6.60
FS1015.43	519.7	Straterra	Reject	8	12.3	6.117
FS1030.1	433.1	Jeremy Bell Investments Limited	Accept	11	62	5
FS1030.2	433.14	Jeremy Bell Investments Limited	Accept in Part	11	62	6.13
FS1034.10	600.10	Upper Clutha Environmental Society (Inc.)	Accept	4A	48.1	6.48
FS1034.4	600.4	Upper Clutha Environmental Society (Inc.)	Accept	4A	9.1	6.18
FS1034.5	600.5	Upper Clutha Environmental Society (Inc.)	Accept	4A	48.2	6.21
FS1034.6	600.6	Upper Clutha Environmental Society (Inc.)	Reject	4A	22	5
FS1034.7	600.7	Upper Clutha Environmental Society (Inc.)	Accept	4A	22	6.37
FS1034.8	600.8	Upper Clutha Environmental Society (Inc.)	Accept	4A	22	5
FS1040.22	519.1	Forest and Bird	Reject	4A	5.12	5
FS1040.3	373.1	Forest and Bird	Accept	4A	48.2	6.21
FS1040.39	600.5	Forest and Bird	Accept	4A	48.2	6.21
FS1040.4	373.2	Forest and Bird	Accept in part	4A	52.2	6.16
FS1040.41	600.10	Forest and Bird	Accept	4A	48.1	6.48

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1040.5	373.3	Forest and Bird	Accept in part	4A	52.2	6.75
FS1061.33	524.2	Otago Foundation Trust Board	Accept in part	9A	36.4	6.22
FS1061.34	524.3	Otago Foundation Trust Board	Accept	9A	36.4	6.23
FS1077.16	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	9A	36.1	6.5
FS1077.17	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	9A	36.1	6.5
FS1077.18	433.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept	11	62	5
FS1077.55	584.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	11	62	6.5
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8	6.7	6.87
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8	6.7	6.87
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	8	6.9	6.100
FS1088.2	433.10	Ross and Judith Young Family Trust	Accept in Part	11	62	6.11
FS1088.3	433.14	Ross and Judith Young Family Trust	Accept in Part	11	62	6.13
FS1091.1	373.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.15	600.4	Jeremy Bell Investments Limited	Reject	4A	9.1	6.18
FS1091.16	600.5	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.29	791.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.30	794.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1091.9	400.7	Jeremy Bell Investments Limited	Reject	4A	48	6.21
FS1097.105	271.2	Queenstown Park Limited	Reject	11	62	6.6
FS1097.153	339.9	Queenstown Park Limited	Reject	4A	48.2	6.21
FS1097.154	339.13	Queenstown Park Limited	Accept	4A	58	5
FS1097.16	84.1	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.215	373.2	Queenstown Park Limited	Reject	4A	52.2	6.16
FS1097.216	373.3	Queenstown Park Limited	Reject	4A	52.2	6.75
FS1097.261	400.2	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.262	407.1	Queenstown Park Limited	Accept in part	4A	5.16	6.79
FS1097.274	408.2	Queenstown Park Limited	Reject	9A	36.1	6.5
FS1097.279	421.2	Queenstown Park Limited	Accept	8	6.2	6.18
FS1097.287	433.1	Queenstown Park Limited	Reject	11	62	5
FS1097.288	433.2	Queenstown Park Limited	Reject	11	62	6.5
FS1097.289	433.3	Queenstown Park Limited	Reject	11	62	6.95
FS1097.291	433.5	Queenstown Park Limited	Reject	11	62	6.8
FS1097.292	433.6	Queenstown Park Limited	Accept	11	62	6.9
FS1097.293	433.7	Queenstown Park Limited	Reject	11	62	6.10
FS1097.294	433.8	Queenstown Park Limited	Reject	11	62	6.10
FS1097.295	433.9	Queenstown Park Limited	Reject	11	62	6.11
FS1097.296	433.10	Queenstown Park Limited	Reject	11	62	6.11

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1097.297	433.11	Queenstown Park Limited	Transferred to Definitions	11	62	5
FS1097.298	433.12	Queenstown Park Limited	Reject	11	62	6.12
FS1097.299	433.13	Queenstown Park Limited	Reject	11	62	6.13
FS1097.300	433.14	Queenstown Park Limited	Accept	11	62	6.13
FS1097.301	433.15	Queenstown Park Limited	Reject	11	62	6.17
FS1097.302	433.16	Queenstown Park Limited	Reject	11	62	5
FS1097.303	433.17	Queenstown Park Limited	Reject	11	62	6.22
FS1097.304	433.18	Queenstown Park Limited	Reject	11	62	6.25
FS1097.305	433.19	Queenstown Park Limited	Reject	11	62	5
FS1097.306	433.20	Queenstown Park Limited	Reject	11	62	5
FS1097.307	433.21	Queenstown Park Limited	Reject	11	62	6.30
FS1097.309	433.23	Queenstown Park Limited	Reject	11	62	6.49
FS1097.310	433.24	Queenstown Park Limited	Reject	4A	22	6.50
FS1097.311	433.25	Queenstown Park Limited	Reject	11	62	6.53
FS1097.312	433.26	Queenstown Park Limited	Reject	11	62	5
FS1097.313	433.27	Queenstown Park Limited	Reject	11	62	6.77
FS1097.314	433.28	Queenstown Park Limited	Reject	11	62	6.78
FS1097.315	433.29	Queenstown Park Limited	Reject	11	62	6.83
FS1097.316	433.30	Queenstown Park Limited	Reject	9A	36.11	6.95
FS1097.317	433.31	Queenstown Park Limited	Accept in part	9A	36.11	6.95
FS1097.318	433.32	Queenstown Park Limited	Accept in part	9A	36.11	6.96
FS1097.321	433.35	Queenstown Park Limited	Reject	11	62	5
FS1097.322	433.36	Queenstown Park Limited	Reject	11	62	5
FS1097.51	179.3	Queenstown Park Limited	Reject	8	6.2	6.18
FS1097.541	600.4	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.542	600.7	Queenstown Park Limited	Reject	4A	22	6.37
FS1097.58	191.2	Queenstown Park Limited	Reject	8	6.2	6.18

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1097.586	610.20	Queenstown Park Limited	Reject	4A	5.16	6.18
FS1097.588	610.22	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.59	191.4	Queenstown Park Limited	Accept	8	5.14	6.64
FS1097.593	613.20	Queenstown Park Limited	Reject	4A	5.16	6.18
FS1097.595	613.21	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.60	191.6	Queenstown Park Limited	Reject	8	6.4	6.125
FS1097.640	635.6	Queenstown Park Limited	Reject	8	6.7	6.87
FS1097.693	719.3	Queenstown Park Limited	Reject	8	6.4	6.125
FS1097.708	784.2	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.722	836.10	Queenstown Park Limited	Accept in part	4A	58	6.70
FS1105.21	615.21	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	4A	5.16	6.108
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	8	12.3	5
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	8	6.7	6.87
FS1106.9	566.2	Chorus New Zealand Limited	Transferred to Definitions	11	62	6.85
FS1117.15	243.44	Remarkables Park Limited	Accept in part	4A	5.16	6.108
FS1117.202	524.1	Remarkables Park Limited	Reject	9A	36.5	6.30
FS1117.203	524.2	Remarkables Park Limited	Accept in part	9A	36.4	6.22
FS1117.204	524.3	Remarkables Park Limited	Accept	9A	36.4	6.23
FS1117.205	524.4	Remarkables Park Limited	Accept in part	9A	36.5	5
FS1117.22	271.2	Remarkables Park Limited	Reject	11	62	6.6
FS1117.227	584.3	Remarkables Park Limited	Reject	11	62	6.5

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1117.284	836.10	Remarkables Park Limited	Accept in part	4A	58	6.70
FS1117.55	421.2	Remarkables Park Limited	Accept	8	6.2	6.18
FS1117.57	433.1	Remarkables Park Limited	Reject	11	62	5
FS1117.58	433.2	Remarkables Park Limited	Reject	11	62	6.5
FS1117.59	433.3	Remarkables Park Limited	Reject	11	62	6.95
FS1117.61	433.5	Remarkables Park Limited	Reject	11	62	6.8
FS1117.62	433.6	Remarkables Park Limited	Accept	11	62	6.9
FS1117.63	433.7	Remarkables Park Limited	Reject	11	62	6.10
FS1117.64	433.8	Remarkables Park Limited	Reject	11	62	6.10
FS1117.65	433.9	Remarkables Park Limited	Reject	11	62	6.11
FS1117.66	433.10	Remarkables Park Limited	Reject	11	62	6.11
FS1117.67	433.11	Remarkables Park Limited	Transferred to Definitions	11	62	5
FS1117.68	433.12	Remarkables Park Limited	Reject	11	62	6.12
FS1117.69	433.13	Remarkables Park Limited	Reject	11	62	6.13
FS1117.70	433.14	Remarkables Park Limited	Accept in Part	11	62	6.13
FS1117.71	433.15	Remarkables Park Limited	Reject	11	62	6.17
FS1117.73	433.17	Remarkables Park Limited	Reject	11	62	6.22
FS1117.74	433.18	Remarkables Park Limited	Reject	11	62	6.25
FS1117.75	433.19	Remarkables Park Limited	Reject	11	62	5
FS1117.76	433.20	Remarkables Park Limited	Reject	11	62	5
FS1117.77	433.21	Remarkables Park Limited	Reject	11	62	6.30
FS1117.79	433.23	Remarkables Park Limited	Reject	11	62	6.49
FS1117.80	433.24	Remarkables Park Limited	Reject	4A	22	6.50
FS1117.81	433.25	Remarkables Park Limited	Reject	11	62	6.53
FS1117.82	433.26	Remarkables Park Limited	Reject	11	62	5
FS1117.83	433.27	Remarkables Park Limited	Reject	11	62	6.77
FS1117.84	433.28	Remarkables Park Limited	Reject	11	62	6.78
FS1117.85	433.29	Remarkables Park Limited	Reject	11	62	6.83

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1117.86	433.30	Remarkables Park Limited	Reject	9A	36.11	6.95
FS1117.87	433.31	Remarkables Park Limited	Accept in part	9A	36.11	6.95
FS1117.88	433.32	Remarkables Park Limited	Accept in part	9A	36.11	6.96
FS1117.90	433.34	Remarkables Park Limited	Reject	11	62	6.126
FS1117.91	433.35	Remarkables Park Limited	Reject	11	62	5
FS1117.92	433.36	Remarkables Park Limited	Reject	11	62	5
FS1121.1	179.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.2	191.4	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.3	781.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.5	191.6	Aurora Energy Limited	Reject	8	6.4	6.125
FS1121.6	805.16	Aurora Energy Limited	Accept in part	8	6.7	6.87
FS1123.1	433.10	Airways New Zealand Ltd	Accept	11	62	6.11
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	8	5.14	6.64
FS1132.22	373.1	Federated Farmers of New Zealand	Reject	4A	48.2	6.21
FS1132.23	373.3	Federated Farmers of New Zealand	Reject	4A	52.2	6.75
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	8	6.4	6.125
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	8	2.2	5
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	8	6.1	6.31
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	8	6.1	6.31
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	8	5.14	6.64
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	8	6.7	6.87
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	8	6.8	6.115
FS1132.51	706.5	Federated Farmers of New Zealand	Accept	4A	58	5
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	8	5.14	6.64
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	8	6.4	6.125
FS1137.22	615.21	Kay Curtis	Accept in part	4A	5.16	6.108

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1137.43	615.42	Kay Curtis	Reject	8	12.3	5
FS1153.2	610.22	Mount Cardrona Station Ltd	Accept in part	4A	5.16	6.108
FS1159.1	805.16	PowerNet Ltd	Accept in part	8	6.7	6.87
FS1162.36	701.1	James Wilson Cooper	Reject	4A	48.2	6.21
FS1162.37	701.2	James Wilson Cooper	Reject	4A	9.1	5
FS1162.56	706.2	James Wilson Cooper	Accept	4A	60	6.34
FS1162.57	706.3	James Wilson Cooper	Accept in part	4A	48.1	6.48
FS1162.58	706.4	James Wilson Cooper	Reject	4A	58	6.70
FS1162.59	706.5	James Wilson Cooper	Accept	4A	58	5
FS1164.1	344.11	Shotover Park Limited	Accept	11	48	6.121
FS1164.13	746.6	Shotover Park Limited	Reject	11	48	6.99
FS1167.5	408.2	Peter and Margaret Arnott	Accept in part	9A	36.1	6.5
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	8	6.7	6.87
FS1208.9	566.2	Vodafone New Zealand Limited	Transferred to Definitions	11	62	6.85
FS1209.10	600.10	Richard Burdon	Reject	4A	48.1	6.48
FS1209.4	600.4	Richard Burdon	Reject	4A	9.1	6.18
FS1209.5	600.5	Richard Burdon	Reject	4A	48.2	6.21
FS1209.6	600.6	Richard Burdon	Accept in part	4A	22	5
FS1209.7	600.7	Richard Burdon	Reject	4A	22	6.37
FS1209.8	600.8	Richard Burdon	Reject	4A	22	5
FS1211.13	433.14	New Zealand Defence Force	Reject	11	62	6.13
FS1211.14	635.6	New Zealand Defence Force	Accept in part	8	6.7	6.87
FS1211.19	805.16	New Zealand Defence Force	Accept in part	8	6.7	6.87
FS1211.20	805.17	New Zealand Defence Force	Reject	8	6.9	6.100
FS1224.34	243.34	Matakauri Lodge Limited		11	62	6.9
FS1224.37	243.37	Matakauri Lodge Limited	Accept in part	4A	22	6.26
FS1224.39	243.39	Matakauri Lodge Limited	Reject	4A	58	6.70
FS1224.41	243.41	Matakauri Lodge Limited	Accept in part	9A	36.11	6.95

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	9A	36.11	6.95
FS1224.43	243.43	Matakauri Lodge Limited	Accept in part	9A	36.11	6.96
FS1224.44	243.44	Matakauri Lodge Limited	Accept in part	4A	5.16	6.108
FS1229.24	610.22	NXSki Limited	Accept in part	4A	5.16	6.108
FS1229.26	615.21	NXSki Limited	Accept in part	4A	5.16	6.108
FS1229.28	243.44	NXSki Limited	Accept in part	4A	5.16	6.108
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	8	6.7	6.87
FS1253.9	566.2	Spark New Zealand Trading Limited	Transferred to Definitions	11	62	6.85
FS1255.17	179.3	Arcadian Triangle Limited	Accept	8	6.2	6.18
FS1255.18	191.2	Arcadian Triangle Limited	Accept	8	6.2	6.18
FS1270.31	408.2	Hansen Family Partnership	Reject	9A	36.1	6.5
FS1287.1	373.2	New Zealand Tungsten Mining Limited	Reject	4A	52.2	6.16
FS1287.2	373.3	New Zealand Tungsten Mining Limited	Reject	4A	52.2	6.75
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	8	2.2	5
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.1	6.31
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.1	6.31
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	8	5.14	6.64
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	8	5.14	6.64
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	8	5.14	6.64

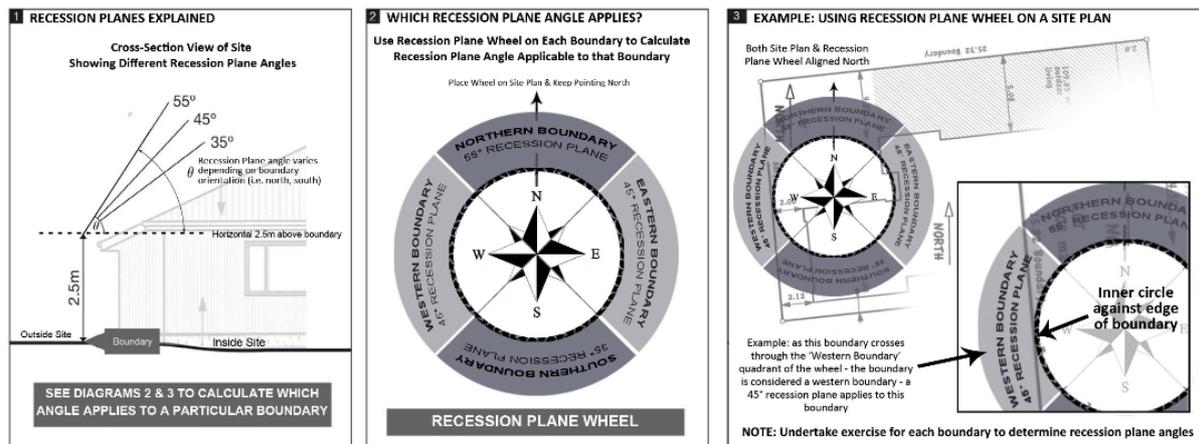
Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.2	6.125
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	8	6.8	6.115
FS1313.2	373.2	Darby Planning LP	Accept in part	4A	52.2	6.16
FS1313.3	373.3	Darby Planning LP	Reject	4A	52.2	6.75
FS1314.10	344.11	Bunnings Ltd	Reject	11	48	6.121
FS1314.9	344.10	Bunnings Ltd	Accept	11	48	6.19
FS1329.8	407.1	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	4A	5.16	6.79
FS1330.4	407.1	Treble Cone Investments Limited	Accept in part	4A	5.16	6.79
FS1340.1	243.40	Queenstown Airport Corporation	Accept	8	18.2	5
FS1340.2	408.2	Queenstown Airport Corporation	Accept	9A	36.1	6.5
FS1340.3	383.3	Queenstown Airport Corporation		11	62	6.8
FS1340.4	566.1	Queenstown Airport Corporation	Accept in Part	11	62	6.11
FS1340.5	566.2	Queenstown Airport Corporation	Transferred to Definitions	11	62	6.85
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	8	6.7	6.87
FS1341.28	836.10	Real Journeys Limited	Accept in part	4A	58	6.70
FS1342.18	836.10	Te Anau Developments Limited	Accept in part	4A	58	6.70
FS1342.23	373.2	Te Anau Developments Limited	Accept in part	4A	52.2	6.16
FS1342.5	600.6	Te Anau Developments Limited	Accept in part	4A	22	5
FS1342.6	781.6	Te Anau Developments Limited	Reject	8	6.3	6.116
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	8	5.14	6.64
FS1342.8	781.7	Te Anau Developments Limited	Reject	8	6.4	6.125
FS1347.18	373.1	Lakes Land Care	Reject	4A	48.2	6.21

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1347.19	373.2	Lakes Land Care	Reject	4A	52.2	6.16
FS1347.20	373.3	Lakes Land Care	Reject	4A	52.2	6.75
FS1356.1	519.1	Cabo Limited	Reject	4A	5.12	5
FS1356.2	519.2	Cabo Limited	Reject	4A	5.12	6.62
FS1356.4	519.4	Cabo Limited	Accept	4A	5.15	5
FS1356.5	519.5	Cabo Limited	Reject	4A	5.12	6.60
FS1356.6	519.6	Cabo Limited	Accept in part	4A	5.12	6.60
FS1356.7	519.7	Cabo Limited	Accept	8	12.3	6.117

Appendix 5: Text that might form basis of a variation amending the definition of “Recession Lines/Recession Plane”

Recession Line/Recession Plane Definition:

Means a line drawn from a point 2.5 metres above a site boundary at right angles inward from the boundary, inclining at an angle that varies from the horizontal according to the extent to which the site is orientated to true north. The combination of recession lines drawn along the site boundary creates the recession plane. See interpretive diagrams below and use the recession plane wheel to calculate the angle of inclination relevant to each site boundary.



Instructions:

The recession plane angle is dependent on which boundary of the site (i.e. north, south, east or west) the recession plane originates from. To determine what angle applies to each boundary – use the recession plane wheel on the site plan:

Step 1: Place the wheel in the centre of the site on the site plan, with both the wheel and site plan aligned true north. Keep both aligned in this way at all times.

Step 2: Move the wheel toward a boundary until the boundary first touches the edge of the inner circle of the wheel.

Step 3: Look at which quadrant of the wheel the boundary in question primarily passes through – this will confirm the recession plane angle applicable to that boundary.

Note: If the boundary is centred on the line between two quadrants (i.e. it could be either orientation), the more restrictive (lower angle) recession plane angle will apply.