

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. *Arrowtown 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.

Policies	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.
	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.
	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.

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 plays 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.

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:
- The subdivision design has had regard to minimising the number of accesses to roads;
 - 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 in 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.

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"> in the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location; 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; no additional separately saleable lots are created; 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 lots must be immediately adjoining each other. <p>Control is reserved to:</p> <ol style="list-style-type: none"> the location of the proposed boundaries; boundary treatment; 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"> involve any site that contains a heritage or any other protected item identified on the District Plan maps; or 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"> no additional separately saleable lots are created; the areas of the resultant lots comply with the minimum lot size requirement for the zone; lots must be immediately adjoining each other; <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the impact on the heritage values of the protected item; the maintenance of the historic character of the Arrowtown Residential Historic Management Zone; the location of the proposed boundaries; boundary treatment; 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

27.5.7	Subdivision Activities - District Wide	Activity Status
	<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	<p>All subdivision activities in the Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.</p>	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: <ul style="list-style-type: none"> <li data-bbox="384 497 531 1890">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). 	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	3000m ²
	Activity Area 1a
	Activity Area 2a
Residential	High Density
	Medium Density
	Lower Density Suburban
	450m ²
	250m ²
	450m ²
	Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary: 600m ²
	800m ²
	Arrowtown Residential Historic Management
	2000m ²
	Large Lot Residential A
	4000m ²
	Large Lot Residential B
Rural	No minimum
	Rural
	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.
	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 Deferred A and B ³
	The land in this zone shall be held in a single allotment.
Rural Residential	Rural Lifestyle Buffer ⁴
	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 4.1.5.8.
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
<p>27.7.1</p>	<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
<p>27.7.2</p>	<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

27.7.3	Zone and Location Specific Rules Bob's Cove Rural Residential Sub-Zone	Activity Status
	<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

27.7.4	Zone and Location Specific Rules	Activity Status
<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> <ul 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 ad-joining the land subject to the application for subdivision consent. 	<p>NC</p>	
<p>27.7.5</p>	<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> <ul 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. 	<p>D</p>

	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> <ol style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; 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> <ol 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"> any fixed connections (road intersections) shown on the Structure Plan may be moved no more than 20 metres; any fixed roads shown on the Structure Plan may be moved no more than 50 metres in any direction; the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres. <p>27.7.7.2 Subdivision failing to comply with any of the following:</p> <ol style="list-style-type: none"> 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; 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; 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; 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. <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"> 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; 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
		NC

27.7.8	Zone and Location Specific Rules	Activity Status
	<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
<p>27.7.9</p>	<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.

- a. Rural Zone;
- b. Gibbston Character Zone;
- c. 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. a certificate of compliance is issued for a residential unit(s); or
- b. 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

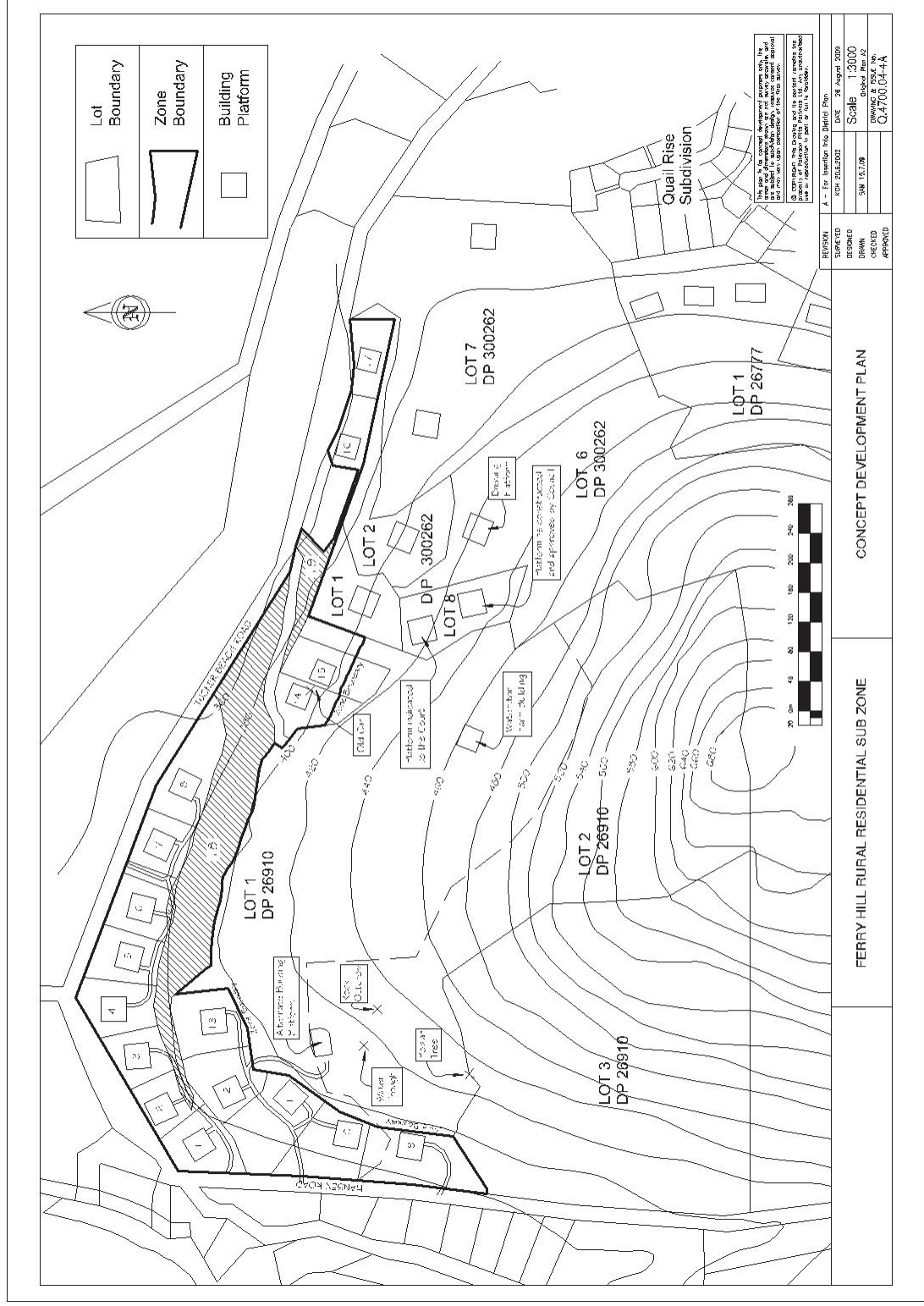
- 27.11.3.1** Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

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

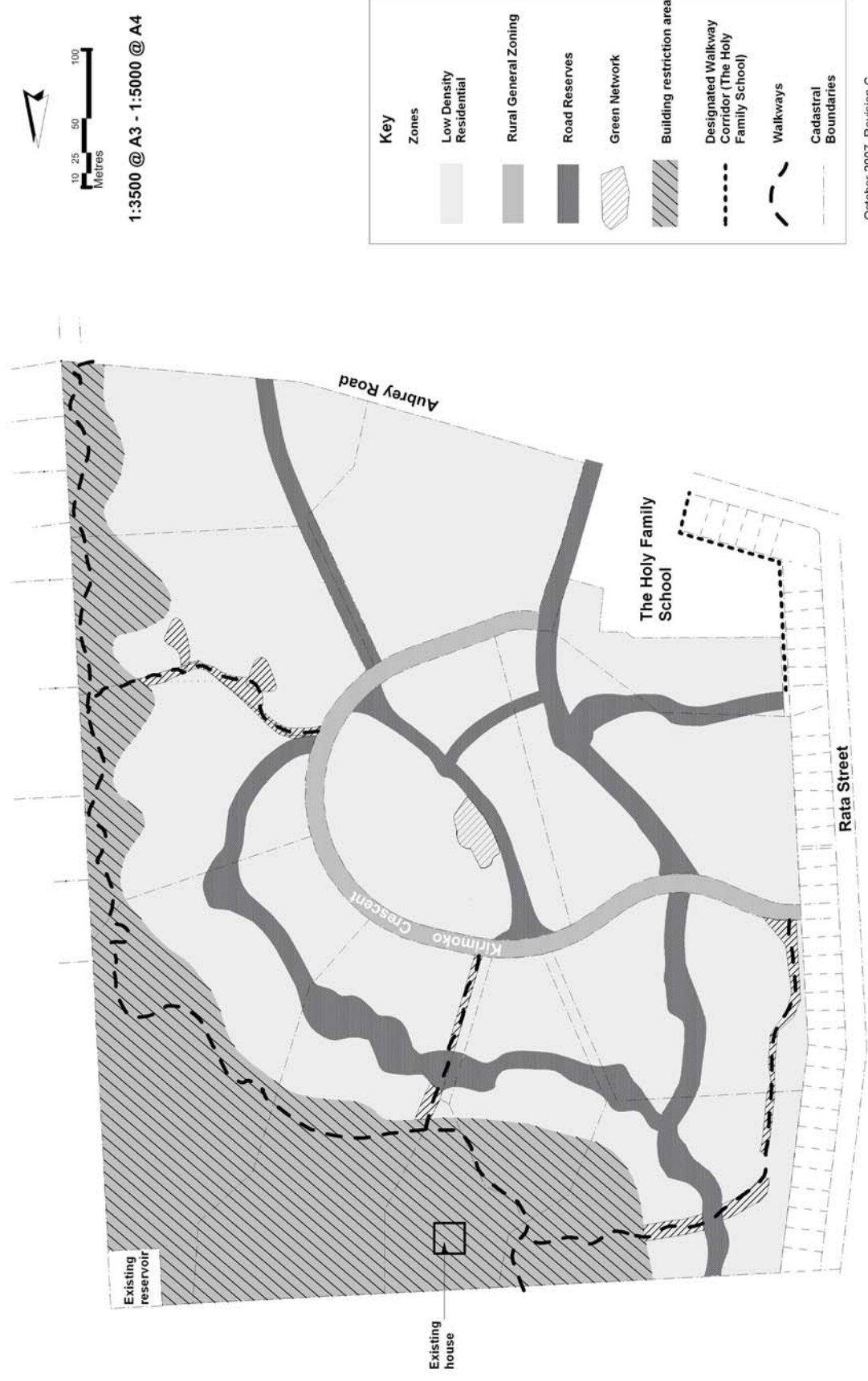
Ferry Hill Rural Residential Subzone⁶











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










Key	
Zones	
	Low Density Residential
	Rural General Zoning
	Road Reserves
	Green Network
	Building restriction area
	Designated Walkway Corridor (The Holy Family School)
	Walkways
	Cadastral Boundaries





October 2007 Revision C
(Following submissions to QLDC)

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

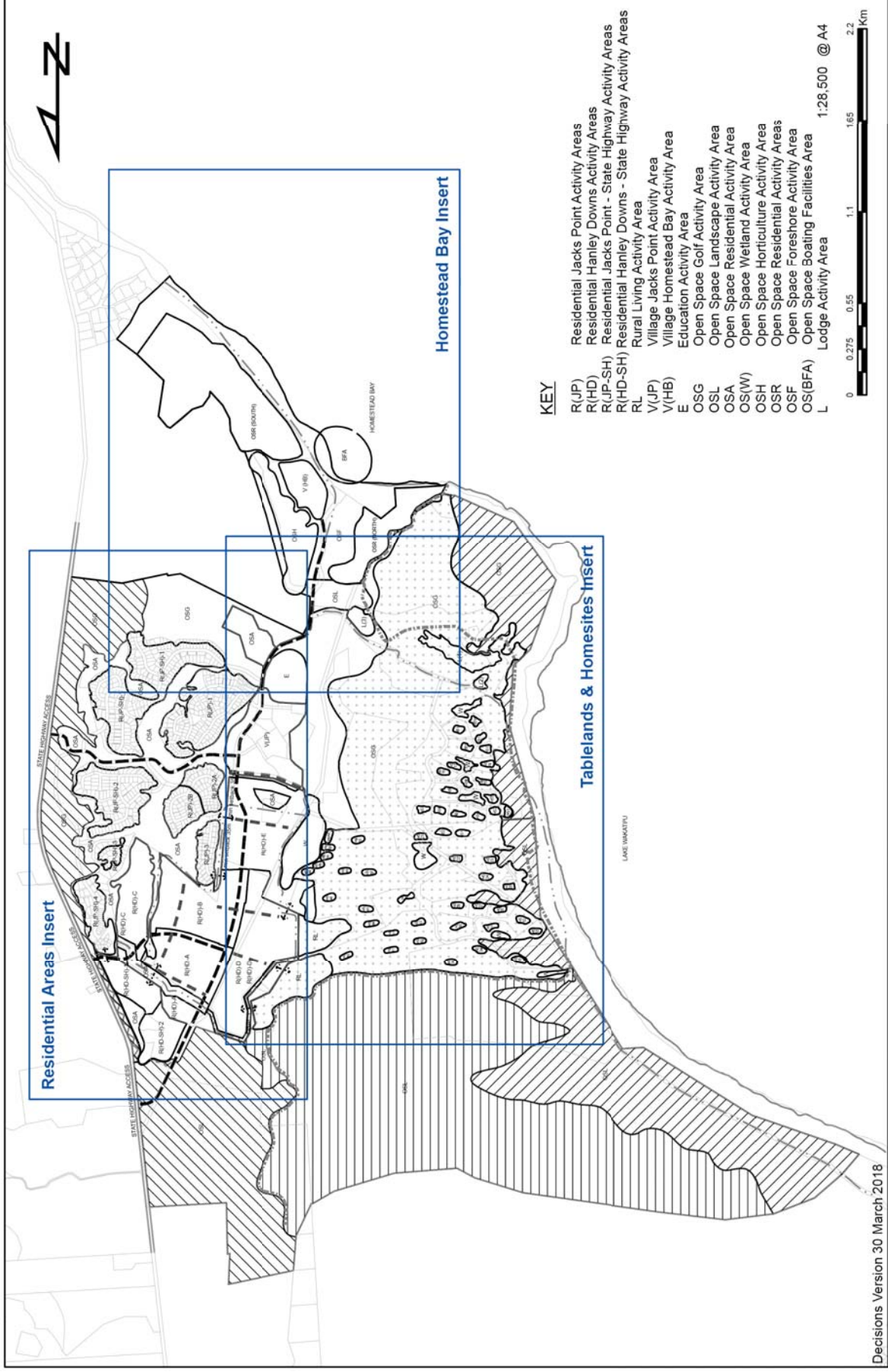
OVERLAYS

-  Highway Landscape Protection Area
-  Peninsula Hill Landscape Protection Area
-  Lake Shore Landscape Protection Area
-  Tablelands Landscape Protection Area

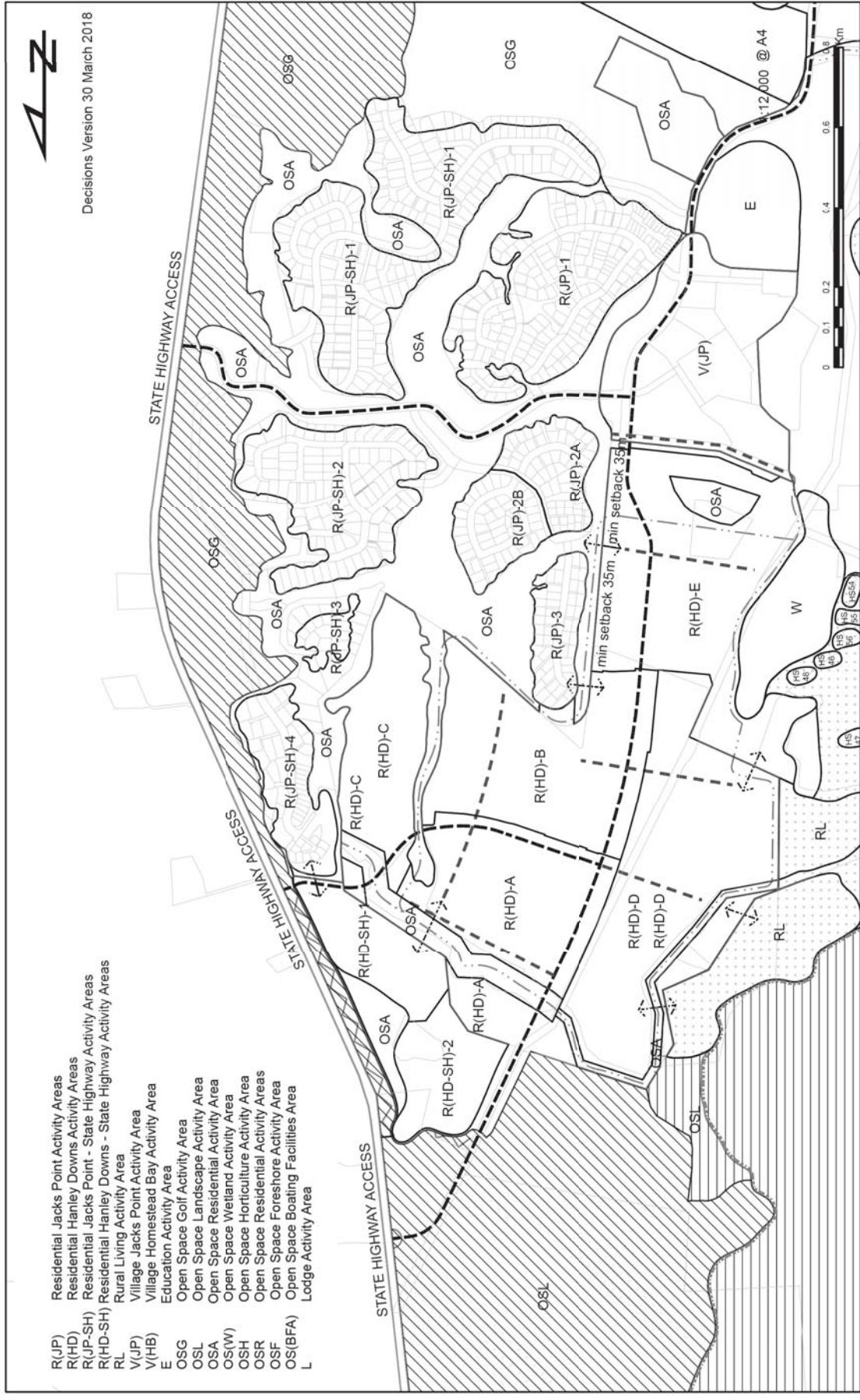
KEY

- 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 Area
- OSF Open Space Foreshore Activity Area
- OS(BFA) Open Space Boating Facilities Area
- L Lodge Activity Area

Jacks Point Resort Zone Structure Plan



Jacks Point Resort Zone Structure Plan Residential Areas Insert



- 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
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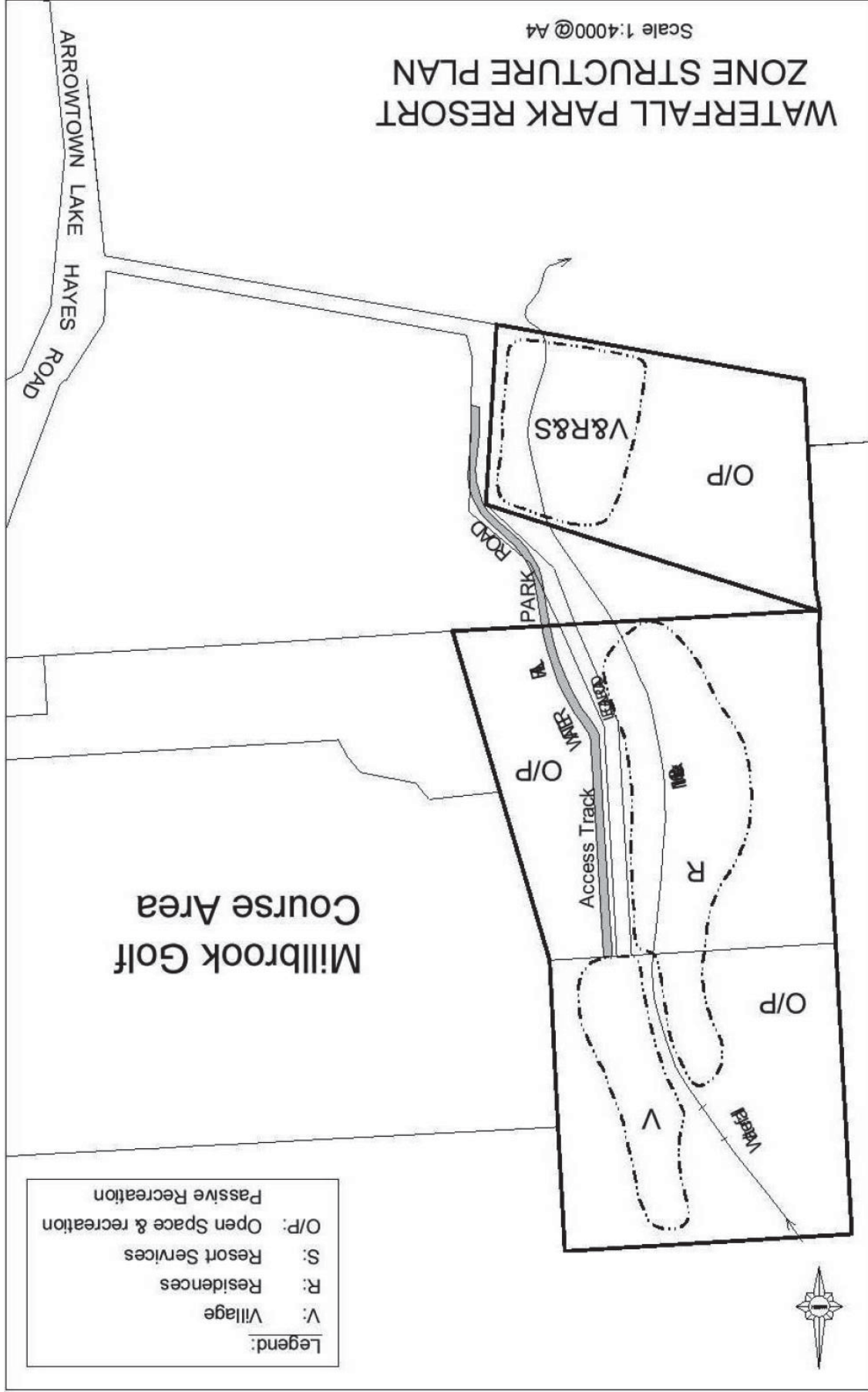
Decisions Version 30 March 2018



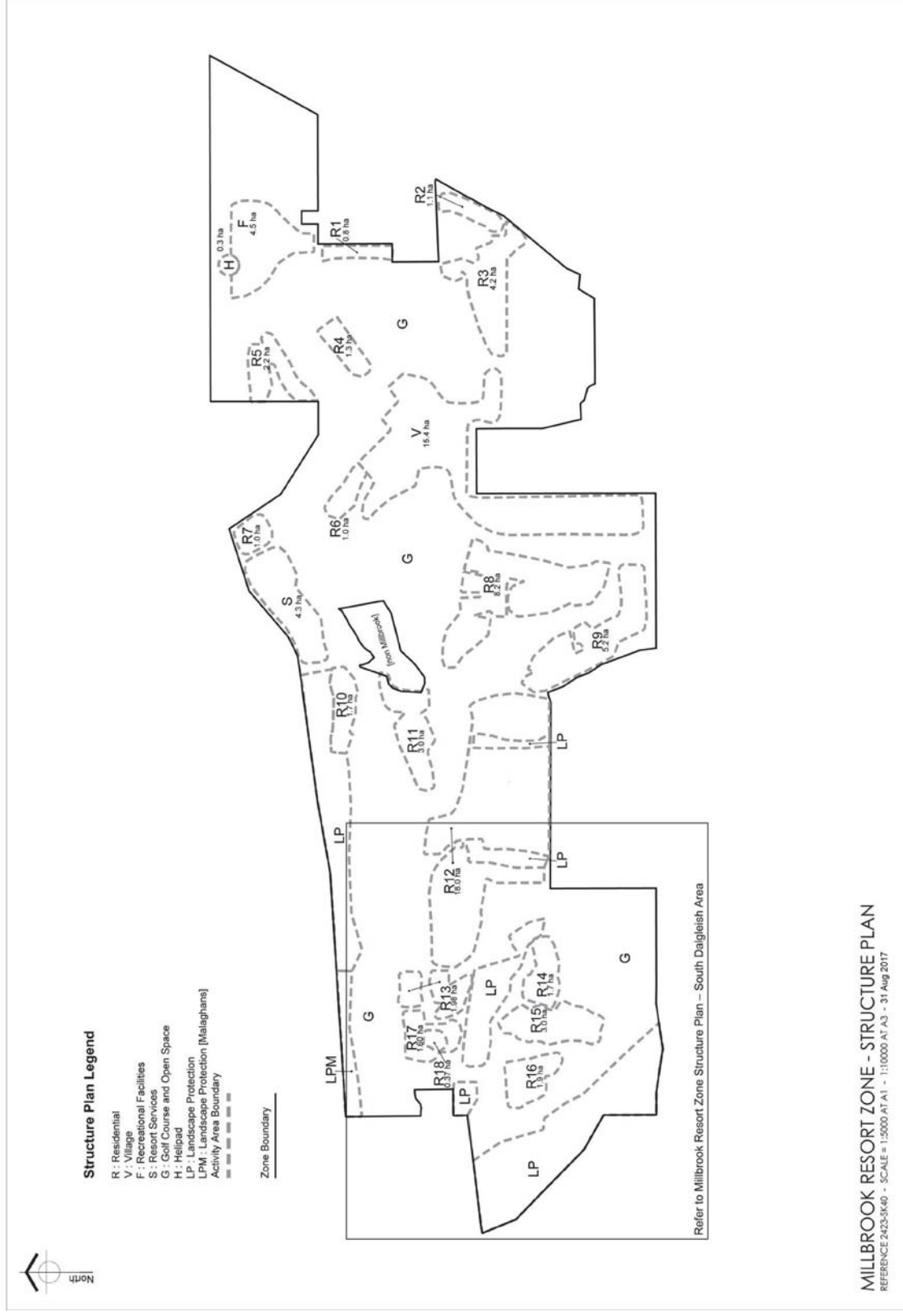
Jacks Point Resort Zone Structure Plan Homestead Bay Insert

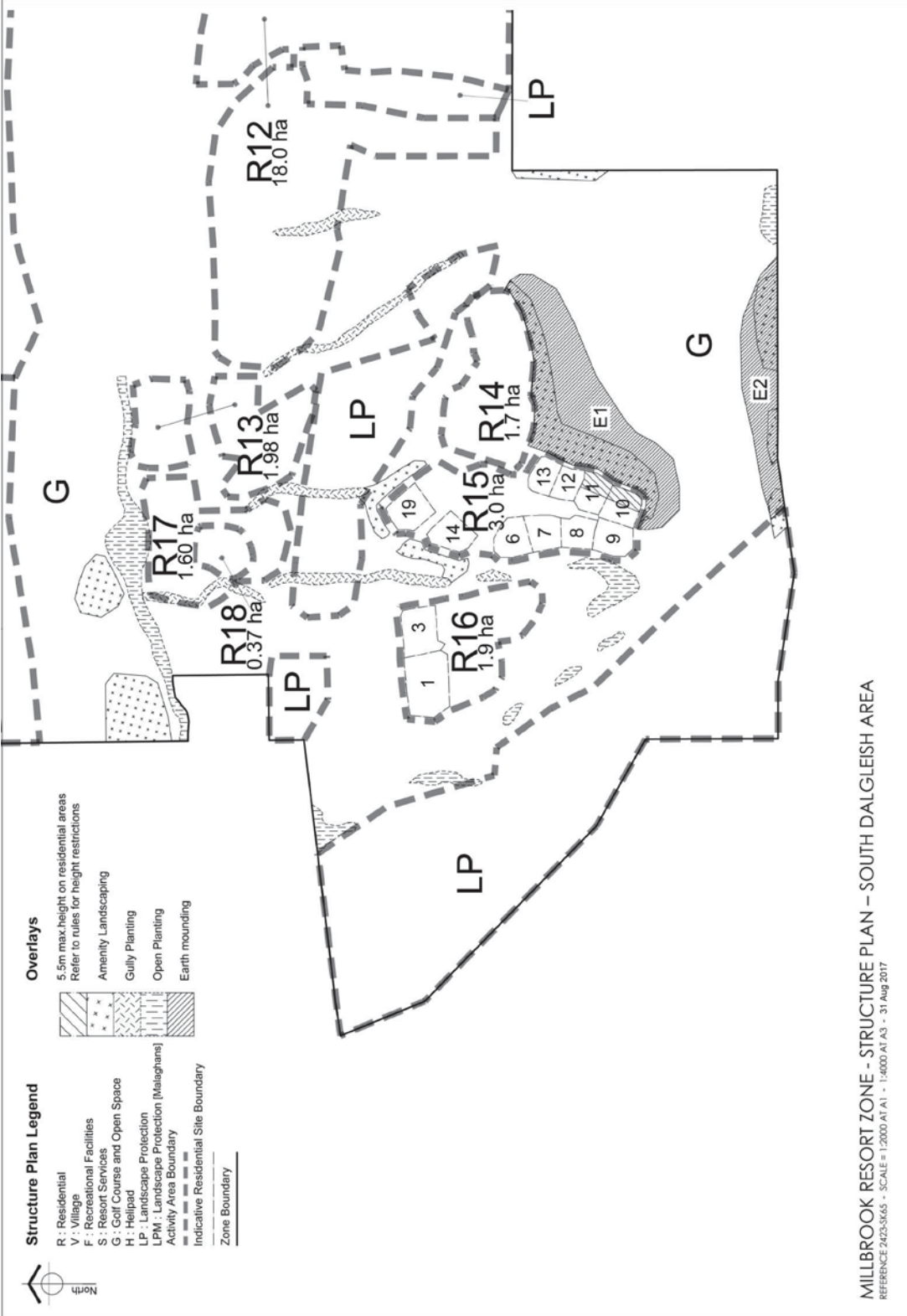


27.13.3 Waterfall Park Structure Plan



27.13.4 Millbrook Structure Plan

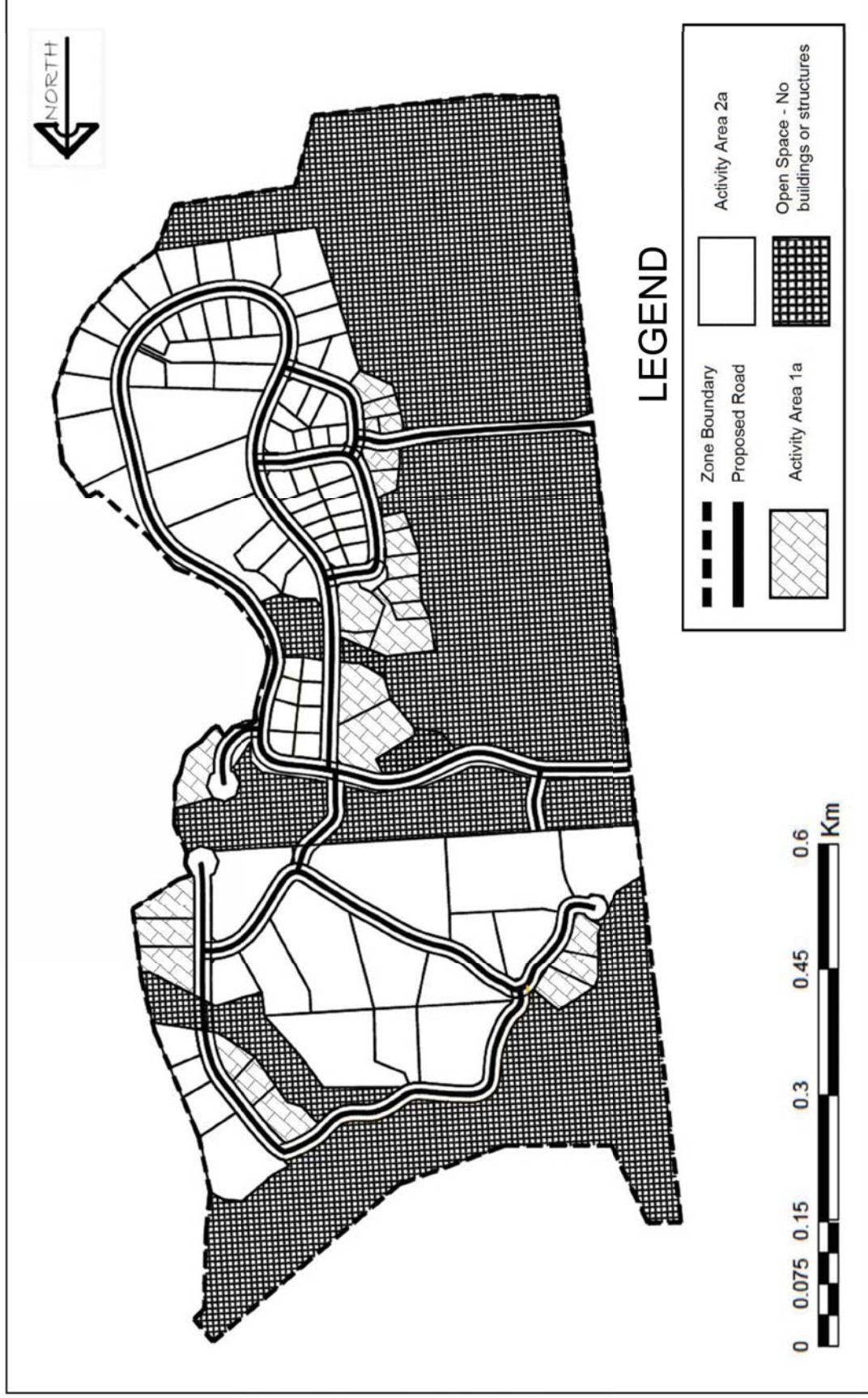




27.13.5 Coneburn Industrial Structure Plan

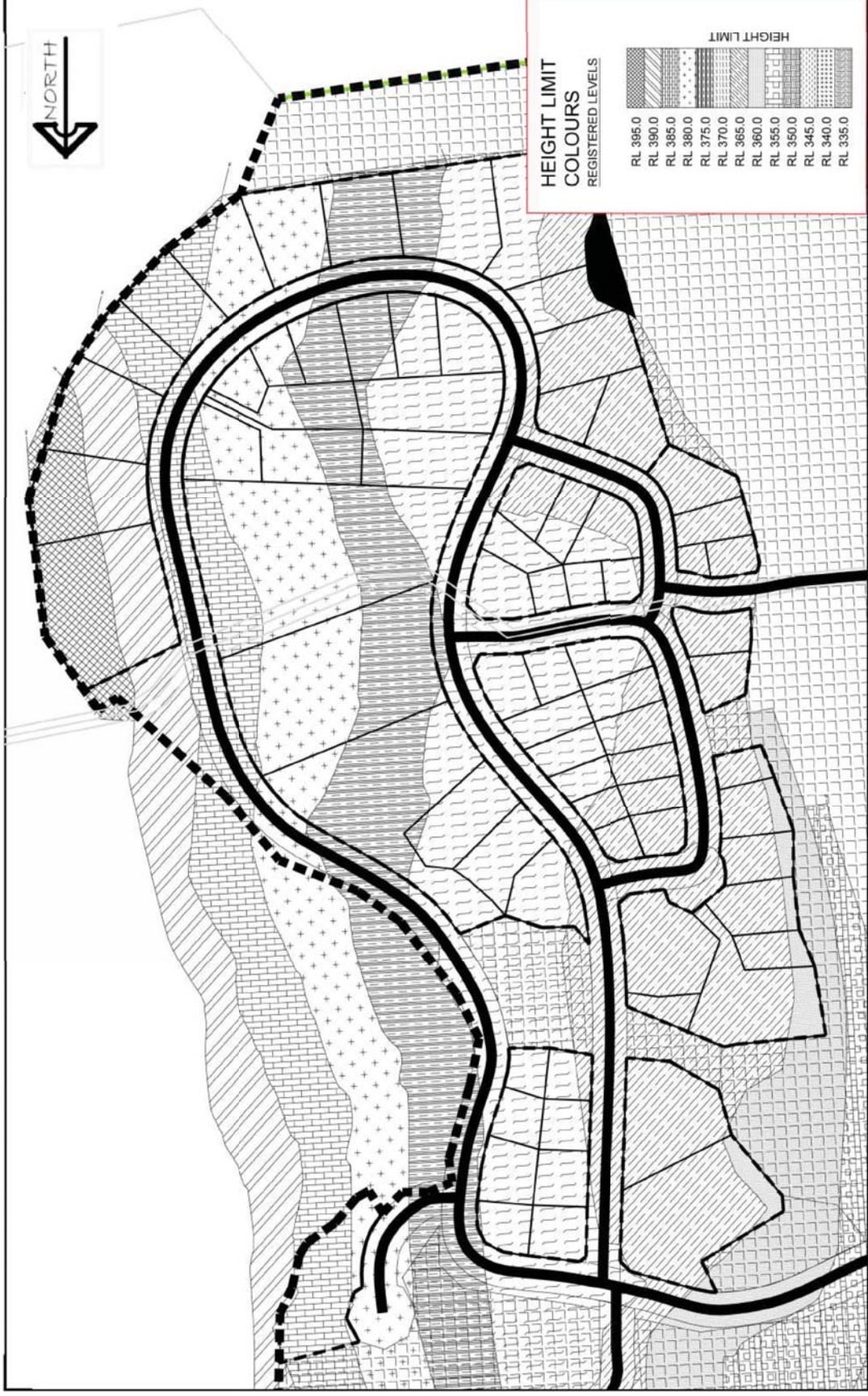
Coneburn Structure Plan

Layout of Activity Areas, Roads and Open Space



Coneburn Structure Plan

Building Height Limits: Part 1



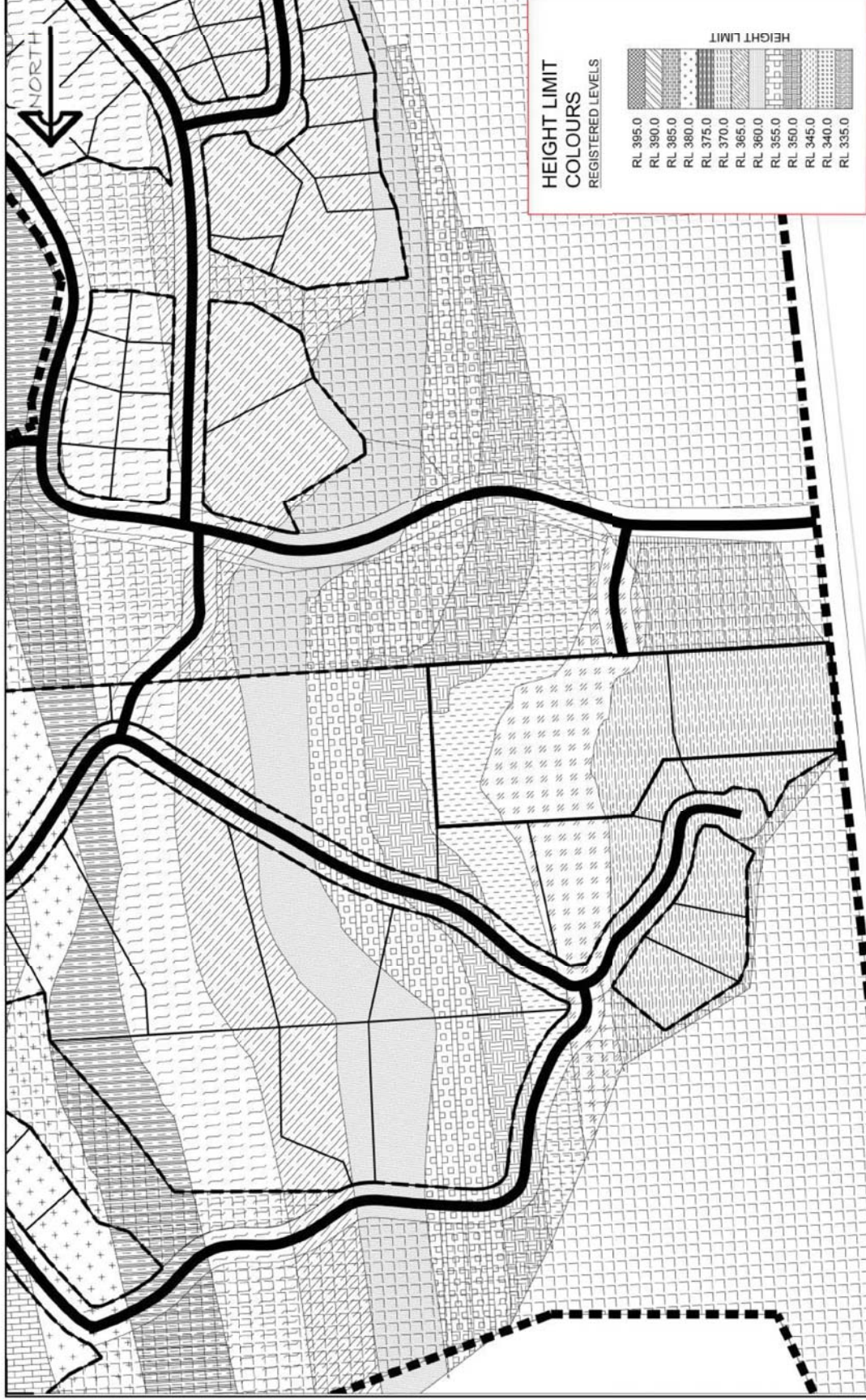
Coneburn Structure Plan

Building Height Limits: Part 2



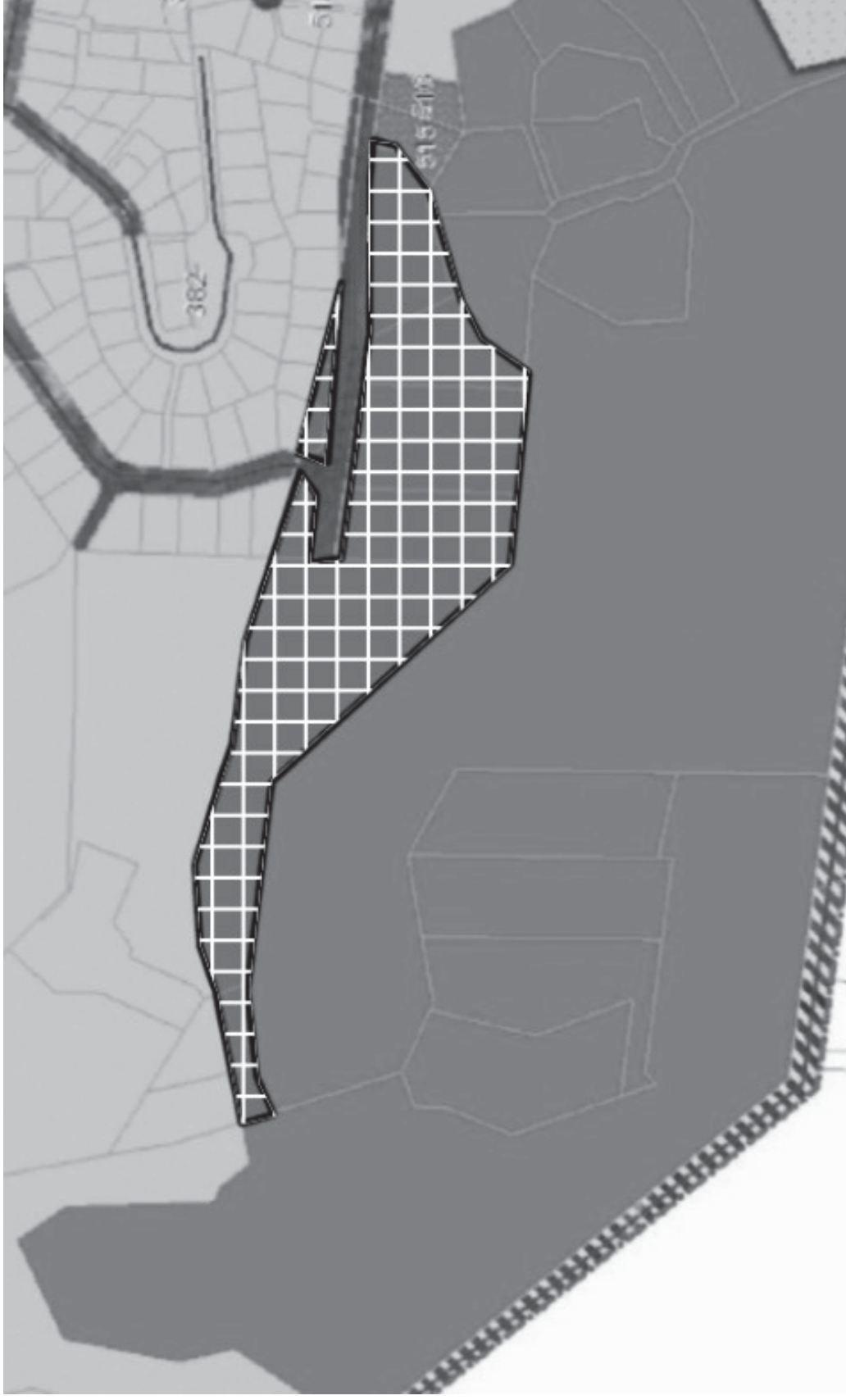
Coneburn Structure Plan

Building Height Limits: Part 3

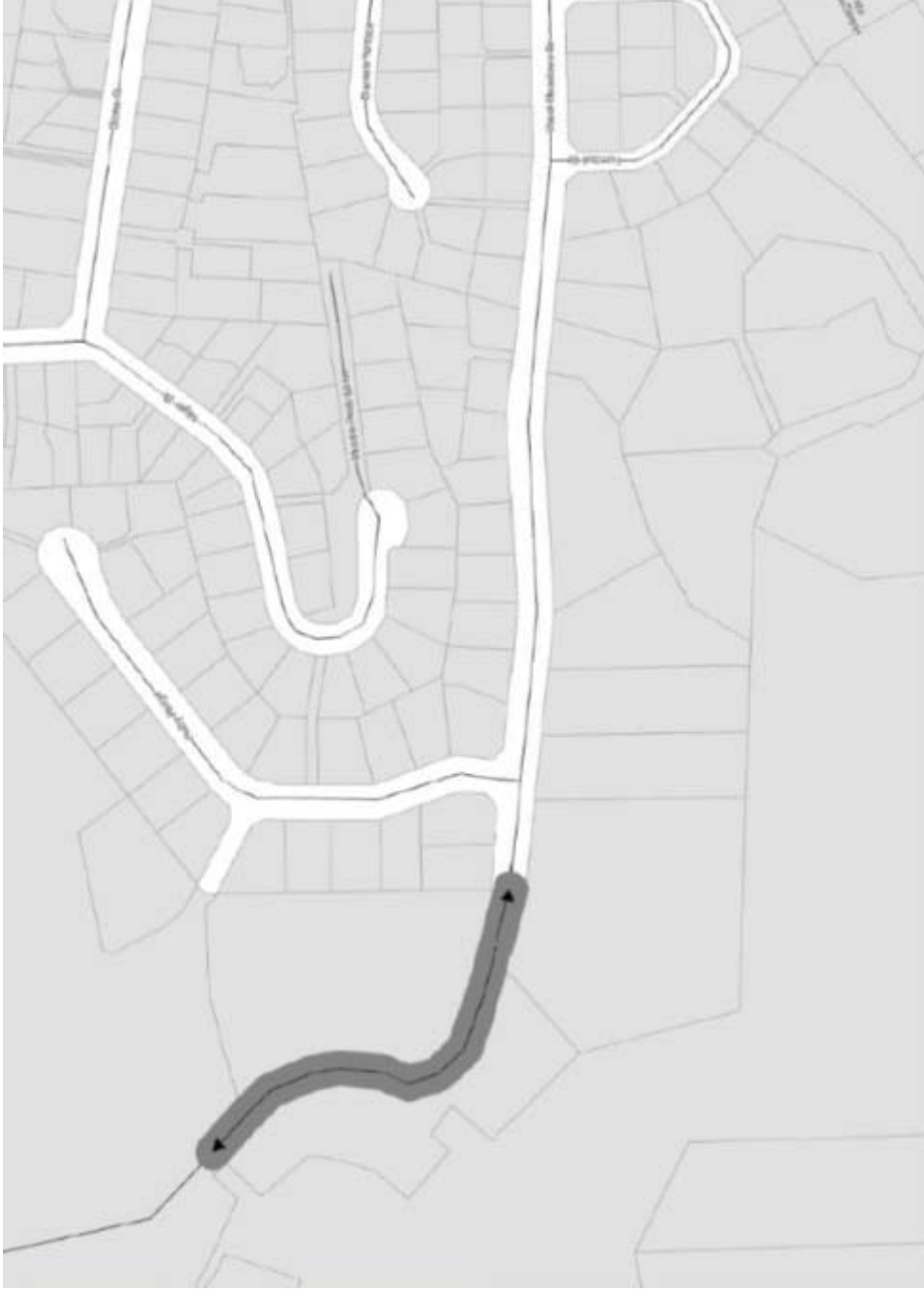


27.13.6 West Meadows Drive Structure Plan

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	Hawea 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 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 taxiing, 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: <ul 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: <ul 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: <ul 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
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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> <ul style="list-style-type: none"> a. 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 b. 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> <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. stand-alone power systems (SAPS); g. biomass electricity generation; h. hydro generation activity; i. 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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.

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Definitions

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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)	Shall be measured: <ul style="list-style-type: none"> a. horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage. b. 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.

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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.

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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>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>

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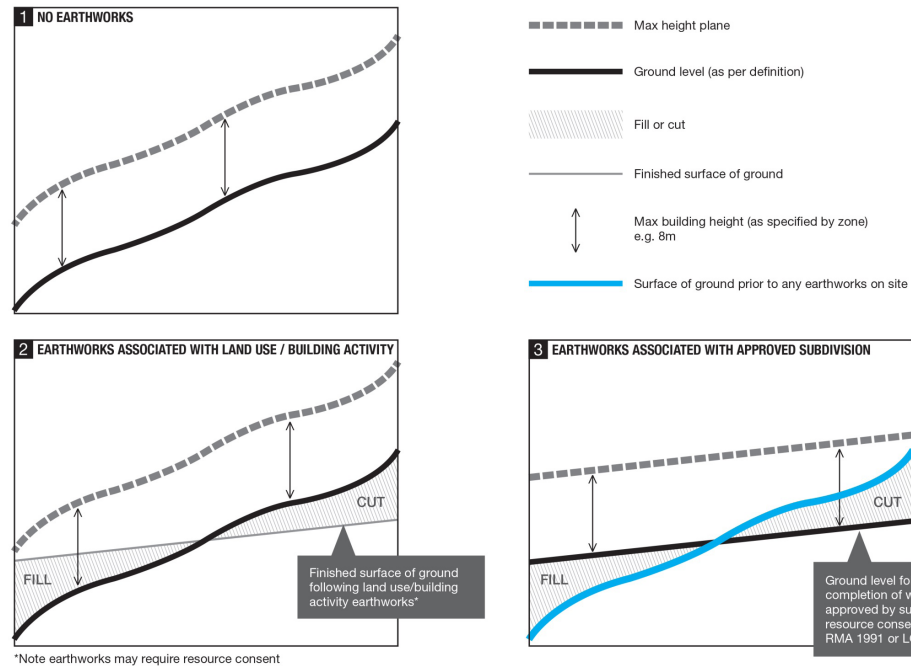
A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

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"> a. original and later material and detailing which forms part of, or is attached to, the interior or exterior of a heritage feature; b. the patina of age resulting from the weathering and wear of construction material over time; c. 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. d. 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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<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>LEGEND</p> <ul style="list-style-type: none"> — Centreline ● Single Pole ■ Pi Pole ■ Tower
<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 $L_{Aeq(15\ min)}$ 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 1015"> <p>1 RECESSION LINE APPLICATION</p> </div> <div data-bbox="1189 464 1637 1015"> <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> <ol 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 stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; 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; 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 formal application must be made to the Council for a property to become a Registered Holiday Home. 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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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>

¹⁹ From section 2 of the Act.

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Definitions

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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. <p>Excludes:</p> <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

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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.

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<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.

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Definitions

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	<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.

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Definitions

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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.

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Definitions

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<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>

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Definitions

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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

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Definitions

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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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Definitions

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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.

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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.

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<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>

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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:
- 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.

- 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:
- 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;
 - 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 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

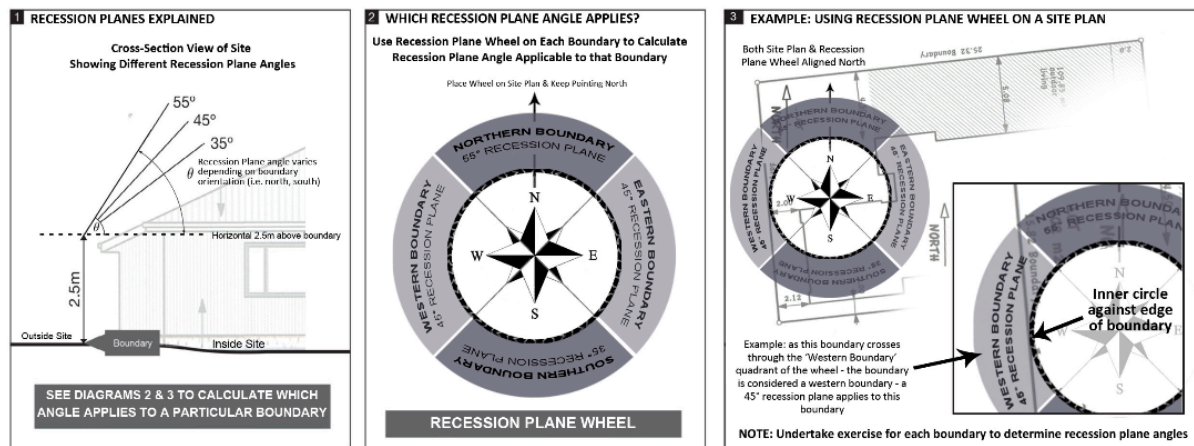
Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.2	6.125
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	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.