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 Limited[1] and **RCL Queenstown Pty Limited**[2]**:**
- Daniel Wells

Roland and Keri Lemaire-Sicre[3]**:**
- Keri Lemaire-Sicre

G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain[4]**, Ashford Trust**[5]**, Bill and Jan Walker Family Trust**[6]**, Byron Ballan**[7]**, Crosshill Farms Limited**[8]**, Robert and Elvena Heywood**[9]**, Roger and Carol Wilkinson**[10]**, Slopehill Joint Venture**[11]**, Wakatipu Equities Limited**[12]**, Ayrburn Farm Estate Limited**[13]**, FS Mee Developments Limited**[14]**:**
- Warwick Goldsmith (Counsel)
- Alexander Reid

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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 Limited[15], Dalefield Trustee Limited[16], Otago Foundation Trust Board[17], and Trojan Helmet Limited[18]):
- Ben Farrell

New Zealand Transport Agency[19]:
- Tony MacColl

Darby Planning LP[20], Soho Ski Area Limited[21], Treble Cone Investments Limited[22], Lake Hayes Limited[23], Lake Hayes Cellar Limited[24], Mt Christina Limited[25], 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 Limited[26], Glendhu Bay Trustees Limited[27], Hansen Family Partnership[28]:
- Maree Baker-Galloway (Counsel)
- Chris Ferguson
- Hamish McCrostie (17 August only)

NZ Fire Service Commission[29] and **Transpower New Zealand Limited[30]:**
- Ainsley McLeod
- Daniel Hamilton (Transpower only)

Queenstown Park Limited[31] and **Remarkables Park Limited[32]:**
- John Young (Counsel)

UCES[33]:
- Julian Haworth

Federated Farmers of New Zealand[34]:
- Kim Riley
- Phil Hunt

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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 Hughes[35]:

- Ros Hughes
- Dennis Hughes

QAC[36]:

- Rebecca Wolt and Ms Needham (Counsel)
- Kirsty O'Sullivan

Patterson Pitts Partners (Wanaka) Limited[37]

- Duncan White
- Mike Botting

Aurora Energy Limited[38]:

- Bridget Irving (Counsel)
- Nick Wyatt

7. Evidence was also pre-circulated by Ulrich Glasner (for Council), Joanne Dowd (for Aurora Energy Limited[39]), Carey Vivian (for Cabo Limited[40], Jim Veint[41], Skipp Williamson[42], David Broomfield[43], Scott Conway[44], Richard Hanson[45], Brent Herdson and Joanne Phelan[46]), and Nick Geddes (for Clark Fortune McDonald & Associates Limited[47]).

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 Taonga[48] 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.

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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 request[49], 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 District[50];
    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

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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 inquiry[51].

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

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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 submissions[56] 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 submission[57] 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 notified[59], 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.

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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 ODP[60]. 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 zone[61]. As the Court noted[62], 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 enacted[63] 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 interest[64]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.

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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 section[65].

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 stated[66] 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 described[67] 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 us[68] that one of the virtues of the ODP Chapter 15 is that "*it is easy to find and apply the relevant Chapter 15*

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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 commented[69]:

"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.

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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 sections[70]. 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 Ltd[71] 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.

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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 provisions[72]. Two other submissions[73] supported discretionary activity status for subdivision in the low density residential zone. A very large number of submitters opposed Rule 27.4.1[74]. 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 submitters[75] 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

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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 controlled[76]. A number of submitters[77] 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 Millbrook[78] or Jacks Point[79] Zone should be controlled activities. Oher variations were a submission that sought that subdivision within a proposed new subdivision at Coneburn be controlled[80] and a submission that sought that subdivisions for infill housing (one lot only) in all zones be controlled[81]. A group of infrastructure providers[82] 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 rejected[83].

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

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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 design[84].

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 status[85].

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 District[86].

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 proposed[88]. 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 place[89], 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 District[90].

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

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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 land[91].

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.

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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 Zones[92]. 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 subdivisable 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 m^2) 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 subdivisable 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 costs[93].

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

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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 Ltd[94]. We explore the issues raised in much greater detail in the context of the policies related to subdivision and development affecting electricity distribution lines[95]. 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

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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 by 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 Zones[96] 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 dwellings[97];
   b. Deletion of reference to subdivision being discretionary, to be replaced with a statement that subdivision in zoned areas is controlled[98];
   c. Deletion of reference to logic[99];
   d. Deletion of reference to the Land Development and Subdivision Code of Practice and Subdivision Design Guidelines[100];
   e. Clarification that Chapter 27 does not apply to the Remarkables Park Zone and the proposed Queenstown Park Special Zone[101];
   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 services[102].

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 produced[104].

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

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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 subdivisions[105]. 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 Limited[106] 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 concern[107].

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 environments[108];
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 environments[110].

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 deletion[111]. Some of these submissions focussed on the fact that the Code of Practice can be changed without consultation[112]. A number of other submissions focussed on the interrelationship between this and other policies, and the default discretionary rule status[113].

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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 changes[114] 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 deleted[116]. Another submission queried whether the word "proposed*"* should be replaced with *"achieved"*[117]. A third submission[118] 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.

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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 632[119] 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 deletion[120]. 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.

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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 policy[121] 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 rules[122] 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 submission[123], 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 submitter[124] 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 recorded[125], 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 policy [126] 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.

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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 632[127] sought that this policy be reworded to be more direct, starting with the verb "*locate"*.

280. The Council's corporate submission[128] 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 evidence[129]. 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 632[130] sought a more comprehensive amendment so that the policy would read:

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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 inserted[131], 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 671[132]. 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 632[133], 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 deleted[134]. 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 policy[135] 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 632[136] 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 Limited[137] seeking a new objective of reverse sensitivity effects on the National Grid.

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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 Limited[138], 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 4[139] 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 632[140] 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 Corporation[141] 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.

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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 wording[143].

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 it[145] 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 clarity 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 sitesWhere 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 test[146] or its deletion[147].

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:

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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 objective[148]. One submission sought its deletion[149]. Another submission[150] 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 values[151]. 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 added[153], 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:

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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 it[155] or sought its deletion[156].

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 values[157] 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 form[158], its deletion[159], its amendment to address situations where joint use may not be appropriate because of resulting adverse effects on the environment[160], and amendment to remove the focus on the Council's actions, substituting "*encourage"* at the front of the policy[161].

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 deletion[162] or clarification of what "*unacceptable loss"* means[163].

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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 policy[164] 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.

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[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 policy[165]. Another submission sought its amendment to refer to protection of archaeological sites or cultural features where possible[166].

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 certain[167], 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 way[168] and extension of the policy to encourage initiatives for provision of public access to natural features and heritage[169].

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 submission[170] 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 deletion[171], a request to delete reference to likely effects[172] and a request to make that deletion combined with a statement that subdivision development not adversely affect the National Grid[173].

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 it[174]) 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 retention[175], and an amendment to refer to both safe and efficient integration of roading[176].

412. We note also Submission 798[177], 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.

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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 policy[178] 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 deletion[179]. 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 first[180] opposed the policy as being too open to differing interpretations. The second[181] 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 species[182];
   b. Amendment to require old and replacement lighting to be downward facing using energy efficient lightbulbs[183];
   c. Amendment of the final bullet point to add a cross reference to Council transport strategies[184];

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 policy[185];
e. Addition of reference to links and connections to public transport services and infrastructure[186].

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 above[187]. 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 sky[188]. 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 submission[189]. A second submission[190] 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 policy[191] 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 289[192] also supported the policy but suggested that existing houses could be encouraged to install water tanks.

456. Submission 632[193] 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:

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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 subdivision[194], sought to introduce a practicality qualification[195] and sought that a similar provision be applied to existing houses[196].

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 require[197] and a request that it be deleted[198].

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 Standard[199] (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 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 contributions[200]. Submission 632[201] simply sought its deletion.

476. Mr Bryce's initial response to Submission 453[202] 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 632[203] 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.

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[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 it[204].

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.

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[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 policy[205] 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 caselaw[206].

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.

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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 policy[207] 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 policy[208] 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;*

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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 635[209] which sought to qualify the reference to underground reticulation, so it would apply "*where technically and operationally feasible".* Submission 632[210] 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 submission[211] sought that both policies be deleted. Another submission[212] 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:

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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 632[213] 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 600[214] 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.

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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 deletion[215]. Two submissions[216] 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 policy[217] 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.'

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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 deletion[218].

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 form[219] sought that the reference to exemptions for esplanade reserves be deleted[220], sought recognition that boundary adjustments do not create a demand for services and should be treated as controlled activities[221], and sought the deletion of the objective[222].

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.

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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 policy[223] 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;*

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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 policy[224] 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 evidence[225]. 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 conclusion[226]. 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 238[227] 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 noted[228], 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, 27.7.7.7.4, 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

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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 it[229], 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 submission[230] 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.

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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. Submissions[231] 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 evidence[232] 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 it[233].

598. Mr Bryce recommended that further specific policy direction for this area be considered as part of the residential hearing stream.

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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 Rural[234], 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 27.3.5[235].

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.

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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 762[236] 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 632[237] 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.

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236 Opposed in FS1217, FS1219, FS1252, FS1277, FS1283, and FS1316

237 Opposed in FS1217, FS1219, FS1252, FS1275, FS1277, FS1283 and FS1316

622. Submission 632[238] 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 27.7.17[239] related to Waterfall Park. There were no submissions specifically on this objective[240] 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.

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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 objective[241] 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 Panel[242], 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 Panels[243] 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.

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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 27.3.1[244] 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 zones[245] 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 subsequently[246] 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.

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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 heading[247] and insertion of a reference to a proposed new zone in notified provision 27.3.3.2[248]. 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 received[249] 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 27.11[250], 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 companies[251] 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))."

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[251] Submissions 370 and 453

666. In his Section 42A Report, Mr Bryce noted a number of submissions[252] 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 effect[253] 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 title[254].

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;

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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 at, 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 earlier[255].

681. Mr Bryce drew our attention in his Section 42A Report to a submission by Transpower New Zealand Ltd[256] 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,

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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 27.5.10[257], 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 Limited[258].

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 companies[259] 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 above[260].

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 plans[261]. 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 evidence[263], 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.

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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 point[264] seeking recognition of the particular situation created within the Hanley Downs part of the Jacks Point Zone, where more intensive development (more intensive that 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:

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[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 rule[265] 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 Basin[266].

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 above[267], 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 2017[268] 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 submission[270] 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 submissions[271] 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.

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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 762[272] 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 noted[273] two submissions[274] 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 recommended[275] 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 Zone[276], 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.

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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 criticism[277]. 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 submission[278] 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 submissions[279] 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 submission[280].

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 inclusion[281]. While two further submissions[282] 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.

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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 Plan[283] 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.

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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 submission[284] 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 first[285] 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 submission[286] 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 Panel[287].

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.

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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 there '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 submission[288] 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 provision[289] 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.

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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 submissions[290] 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 433[291] 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 Zone[292]. 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).

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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 27.5.2[293] (now 27.7.11), deletion and a more enabling approach generally[294], deletion[295], 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.

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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) Limited[297]. 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 evidence[298], 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 companies[299] 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 them[300], 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.

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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-sufficiency[301].

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.

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[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 form[302], 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 Goldsmith[303] 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 applications[304] 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 discussed[305].

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 streamlined[306].

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.

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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 notified[307];
   b. Deletion of provision creating potential for notification where an application site adjoins a state highway[308];
   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 basis[309];
   d. Addition of the Ski Area Sub-Zone as an additional category of non-notified applications[310];

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 notified[311];
f. Provision for notification where there is a need to assess natural hazard risk[312].

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 basis[313]. 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 Report[314]. 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.

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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 hearing[315]. 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 Council[316], 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. NZTA[317] 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 it[318] 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 "G*eneral Provisions"*. For our part, we consider that "A*dvice 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

QUEENSTOWN LAKES DISTRICT COUNCIL

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 splays or rounding at road intersections;

e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety and the avoidance of upward light spill adversely affecting views of the night sky;

f. the provision of appropriate tree planting within roads;

g. any requirements for widening, formation or upgrading of existing roads;

h. any provisions relating to access for future subdivision on adjoining land;

i. the provision and location of public transport routes and bus shelters.

Water supply, stormwater, wastewater

27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

Water

27.2.5.7 Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.

27.2.5.8 Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.

27.2.5.9 Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.

27.2.5.10 Ensure appropriate water supply, design and installation by having regard to:

a. the availability, quantity, quality and security of the supply of water to the lots being created;

b. water supplies for fire fighting purposes;

c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;

d. any initiatives proposed to reduce water demand and water use.

Stormwater

27.2.5.11 Ensure appropriate stormwater design and management by having regard to:

a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;

b. the capacity of existing and proposed stormwater systems;

c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;

d. the location, scale and construction of stormwater infrastructure;

e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.

27.2.5.12 Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.

Wastewater

27.2.5.13 Treat and dispose of sewage in a manner that:

a. maintain public health;

b. avoids adverse effects on the environment in the first instance; and

c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.

27.2.5.14 Ensure appropriate sewage treatment and disposal by having regard to:

a. the method of sewage treatment and disposal;

b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;

c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.

27.2.5.15 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

Energy Supply and Telecommunications

27.2.5.16 Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;

b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;

c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.

Easements

27.2.5.17 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.

27.2.5.18 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

27.2.6 Objective - Esplanades created where opportunities arise.

Policies

27.2.6.1 Create esplanade reserves or strips where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:

a. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;

b. have high actual or potential value with regard to the maintenance of indigenous biodiversity;

c. comprise significant indigenous vegetation or significant habitats of indigenous fauna;

d. are considered to comprise an integral part of an outstanding natural feature or outstanding natural landscape;

e. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;

f. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.

27.2.6.2 Use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Act.

27.2.7 Objective - Boundary adjustments, cross-lease and unit title subdivision are provided for.

Policies

27.2.7.1 Enable cross-lease and unit title subdivision of existing units in urban areas without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.

27.2.7.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:

a. the location of the proposed boundaries;

b. in rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;

c. boundary treatment;

d. the location and terms of existing or proposed easements or other arrangements for access and services.

27.3 Location-specific objectives and policies

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

Peninsula Bay

27.3.1 Objective - Ensure effective public access is provided throughout the Peninsula Bay land.

Policies

27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Lower Density Suburban Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.

27.3.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.

27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality, recreational resource, with excellent linkages, and opportunities for different community groups.

Kirimoko

27.3.2 Objective - A liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.

Policies

27.3.2.1 Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.

27.3.2.2 Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.

27.3.2.3 Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies and that visually sensitive areas such as the spurs are left undeveloped.

27.3.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.

27.3.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.

27.3.2.6 Provide for road and walkway linkages to neighbouring developments.

27.3.2.7 Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.

27.3.2.8 Minimise disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.

27.3.2.9 Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.

27.3.2.10 Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

Large Lot Residential A Zone between Studholme Road and Meadowstone Drive.

27.3.3 Objective - Landscape and amenity values of the zone's low density character and transition with rural areas be recognised and protected.

Policies

27.3.3.1 Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to minimising the prominence of housing on ridgelines overlooking the Wanaka township.

27.3.3.2 Subdivision and development within land located on the northern side of Studholme Road shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.

Bob's Cove Rural Residential Zone (excluding sub-zone)

27.3.4 Objective - The special character of the Bob's Cove Rural Residential Zone is recognised and provided for.

Policies

27.3.4.1 In order to maintain the rural character of the zone, any required street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on views of the night sky.

Ferry Hill Rural Residential Sub-Zone

27.7.6 Objective - Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub-Zone.

Policies

27.7.6.1 At the time of considering a subdivision application, the following matters shall be had particular regard to:

a. The subdivision design has had regard to minimising the number of accesses to roads;

b. the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;

c. the extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;

d. The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road[1].

Wyuna Station Rural Lifestyle Zone

27.3.5 Objective - Provision for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.

Policies

27.3.5.1 Prohibit or defer development of the zone until such a time that:

a. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or

b. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or

c. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

27.3.6 Objective - Subject to Objective 27.3.5, rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.

Policies

27.3.6.1 The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from Glenorchy Township, Oban Street or the Glenorchy-Paradise Road. Measures to achieve this include:

a. prohibiting development over the sensitive areas of the zone via building restriction areas;

b. appropriately locating buildings within the zone, including restrictions on future building bulk;

c. using excavation of the eastern part of the terrace to form appropriate building platforms;

[1]. Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

d. using naturalistic mounding of the western part of the terrace to assist visual screening of development;

e. using native vegetation to assist visual screening of development;

f. the maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.

27.3.6.2 Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:

a. methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;

b. methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;

c. a programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.

Jacks Point Zone

27.3.7 Objective - Subdivision occurs consistent with the Jacks Point Structure Plan.

Policies

27.3.7.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.

27.3.7.2 Within the R(HD) Activity Areas, subdivision design shall provide for the following matters:

a. the development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area;

b. mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu;

c. road and street designs;

d. the location and suitability of proposed open spaces;

e. commitments to remove wilding trees.

27.3.7.3 Within the R(HD-SH) Activity Areas, minimise the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.

27.3.7.4 Within the R(HD) Activity Area, in the consideration of the creation of sites sized less than 550m^2, particular regard shall be given to the following matters and whether they should be given effect to by imposing appropriate legal mechanism of controls over:

a. building setbacks from boundaries;

b. location and heights of garages and other accessory buildings;

c. height limitations for parts of buildings, including recession plane requirements;

d. window locations;

e. building coverage;

f. roadside fence heights.

27.3.7.5 Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, implement measures to provide for the establishment and management of open space, including native vegetation.

27.3.7.6 Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).

27.3.7.7 In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m2 in area:

a. such sites are to be configured:

    i. with good street frontage;

    ii. to enable sunlight to existing and future residential units;

    iii. to achieve an appropriate level of privacy between homes;

b. parking, access and landscaping are to be configured in a manner which:

    i. minimises the dominance of driveways at the street edge;

    ii. provides for efficient use of the land;

    iii. maximises pedestrian and vehicular safety; and.

    iv. addresses nuisance effects such as from vehicle lights.

c. subdivision design should ensure:

    i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.

d. consideration is to be given as to whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.

Waterfall Park

27.3.8 Objective – Subdivision that provides for a range of visitor, residential and recreational facilities, sympathetic to the natural setting and has regard to location specific opportunities and constraints identified within the Waterfall Park Structure Plan.

Policies

27.3.8.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Section 27.13.

Millbrook

27.3.9 Objective – Subdivision that provides for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.

Policies

27.3.9.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Section 27.13.

Coneburn Industrial

27.3.10 Objective - Subdivision that creates opportunities for industrial activities and Service activities to occur.

Policies

27.3.10.1 Enable subdivision which provides for a combination of lot sizes and low building coverage to ensure that this area is retained for yard based industrial and service activities as well as smaller scale industrial and service activities.

27.1.10.2 Require the establishment, restoration and ongoing maintenance of the open space areas (shown on the Coneburn Structure Plan located in Section 27.13) to:

a. visually screen development using the planting of native species;

b. retain existing native garden species unless they are wilding;

c. give effect to the Ecological Management Plan required by Rule 44.4.12 so its implementation occurs at the rate of development within the Zone.

27.10.4.3 Ensure subdivision works and earthworks results in future industrial and service development (buildings) being difficult to see from State Highway 6.

27.10.4.4 At the time of subdivision ensure that there is adequate provision for road access, onsite parking (staff and visitors) and loading and manoeuvring for all types of vehicle so as to cater for the intended use of the site.

27.10.4.5 Ensure subdivision creates lots and sites that are capable of accommodating development that meets the relevant zone standards for the Coneburn Industrial Zone.

27.10.4.6 Ensure that shared infrastructure (water, wastewater and stormwater) is provided, managed, and maintained if development cannot connect to Council services.

27.10.4.7 Require safe accesses to be provided from the State Highway into the Zone at the rate the Zone is developed.

West Meadows Drive

27.3.11 Objective - The integration of road connections between West Meadows Drive and Meadowstone Drive.

Policies

27.3.11.1 Enable subdivision at the western end of West Meadows Drive which has a roading layout that is consistent with the West Meadows Drive Structure Plan.

27.3.11.2 Enable variances to the West Meadows Drive Structure Plan on the basis that the roading layout results in the western end of West Meadows Drive being extended to connect with the roading network and results in West Meadows Drive becoming a through-road.

Frankton North

27.3.12 Objective - Subdivision of the Medium Density Residential and Business Mixed Use Zones on the north side of State Highway 6 between Hansen Road and Quail Rise enables development integrated into the adjacent urban areas while minimising traffic impacts on the State Highway.

Policies

27.3.12.1 Limit the roading access to Frankton North to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/SH6 roundabout.

27.3.12.2 Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade.

27.3.12.3 Ensure subdivision and development in the Frankton North Medium Density Residential and Business Mixed Use Zones provides, or has access to, a safe and legible walking and cycling environment adjacent to and across the State Highway linking to other pedestrian and cycling networks.

27.4 Other Provisions and Rules

27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	*Earthworks*	26	Historic Heritage	28	Natural Hazards
29	*Transport*	30	Energy and Utilities	*31*	*Signs*
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 activity[2].

[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	**An adjustment to 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)).	P

	Boundary Adjustments	Activity Status
27.5.3	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 the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location; b. no additional or relocated residential building platform is identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones; c. no additional separately saleable lots are created; d. the areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable) or where any lot does not comply with an applicable minimum lot size requirement for the zone, the extent of such non-compliance is not increased; and e. lots must be immediately adjoining each other. Control is reserved to: a. the location of the proposed boundaries; b. boundary treatment; c. easements for existing and proposed access and services.	C
27.5.4	For boundary adjustments that either: a. involve any site that contains a heritage or any other protected item identified on the District Plan maps; or b. are within the urban growth boundary of Arrowtown; 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 for 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 Historic Management Zone; c. the location of the proposed boundaries; d. boundary treatment; e. easements for access and services.	RD

	Unit Title or Leasehold Subdivision	Activity Status
27.5.5	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: 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. 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 a subdivision of land creating a separate fee simple title. 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.	C

	Subdivision Activities - District Wide	Activity Status
27.5.6	Any subdivision that does not fall within any rule in this section 27.5.	D

	Subdivision Activities - District Wide	Activity Status
27.5.7	All urban subdivision activities, unless otherwise provided for, within the following zones: 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. Discretion 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, 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. 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.	RD

	Subdivision Activities - District Wide	Activity Status
27.5.8	All subdivision activities, unless otherwise provided for, in the District's Rural Residential and Rural Lifestyle Zones Discretion is restricted to: a. in the Rural Lifestyle Zone, the location and size of building platforms and in respect of any buildings within those building platforms: 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	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.	RD
27.5.11	All subdivision activities in the Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D

	Subdivision Activities - District Wide	Activity Status
27.5.12	The subdivision of land containing a heritage or any other protected item scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.5.4.	D
27.5.13	The subdivision of land identified on the planning maps as a Heritage Area.	D
27.5.14	The subdivision of a site containing a known archaeological site.	D
27.5.15	Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.	D
27.5.16	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use consent.	D
27.5.17	Within the Jacks Point Zone, subdivision that does not comply with the minimum lot areas specified in Part 27.6 and the zone and location specific rules in Part 27.7, excluding: a. in the R(HD) activity area, where the creation of lots less than 380m^2 shall be assessed under Rule 27.7.5.2 (as a restricted discretionary activity).	D
27.5.18	Within the Coneburn Industrial Zone Activity Area 2a, subdivision which does not comply with the minimum lot areas specified in Part 27.6.	D
27.5.19	Subdivision that does not comply with the minimum lot areas specified in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.17 and Coneburn Industrial Zone Activity Area 2a which is assessed pursuant to Rule 27.5.18.	NC
27.5.20	A subdivision under the Unit Titles Act not falling within Rules 27.5.5 or 27.5.16 where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.21	The further subdivision of an allotment that if undertaken as part of a previous subdivision would have caused that previous subdivision to exceed the minimum average density requirements for subdivision in the Rural Lifestyle Zone or the Rural Residential Zone.	NC
27.5.22	The subdivision of land resulting in the division of a building platform.	NC
27.5.23	The subdivision of a residential flat from a residential unit.	NC
27.5.24	Any subdivision of land in any zone within the National Grid Corridor, which does not comply with Rule 27.5.10.	NC
27.5.25	Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15.	NC

27.6 Rules - Standards for Minimum Lot Areas

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

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m²
Airport		No minimum
Coneburn Industrial	Activity Area 1a	3000m²
	Activity Area 2a	1000m²
Residential	High Density	450m²
	Medium Density	250m²
	Lower Density Suburban	450m² Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary: 600m²
	Arrowtown Residential Historic Management	800m²
	Large Lot Residential A	2000m²
	Large Lot Residential B	4000m²
Rural	Rural Gibbston Character	No minimum
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle Deferred A and B[3]	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer[4]	The land in this zone shall be held in a single allotment.
Rural Residential	Rural Residential	4000m²
	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 4000m².
	Rural Residential Ferry Hill Subzone[5]	4000m² with no more than 17 lots created for residential activity.

[3, 4, 5] Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Zone		Minimum Lot Area
	Rural Residential Camp Hill	4000m^2 with no more than 36 lots created for residential activity
Jacks Point	Residential Activity Areas	380m^2 In addition, subdivision shall comply with the average density requirements set out in Rule 41.5.8.
Millbrook		No minimum
Waterfall Park		No minimum

Advice Note:

Non-compliance with the minimum lot areas specified above means that a subdivision will fall under one of Rules 27.5.17-19, depending on its location.

27.6.2 Lots created for access, utilities, roads and reserves shall have no minimum size.

27.7 Zone - Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	Subdivision consistent with a Structure Plan that is included in the District Plan. Control is reserved 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; and l. ecological and natural values; m. historic heritage; n. easements; o. any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter.	C
27.7.2	**Kirimoko** **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: a. roading layout; b. the provision and location of walkways and the green network; c. the protection of native species as identified on the structure plan as green network.	C

	Zone and Location Specific Rules		Activity Status
	27.7.2.2	Any subdivision that does not comply with the principal roading layout and reserve net-work depicted in the Kirimoko Structure Plan included in Part 27.13 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties).	NC
	27.7.2.3	Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.	NC
	27.7.2.4	Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural.	NC

	Zone and Location Specific Rules	Activity Status
27.7.3	**Bob's Cove Rural Residential Sub-Zone** **27.7.3.1** Activities that do not meet the following standards: a. boundary planting – Rural Residential sub-zone at Bobs Cove: 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: i. within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council; ii. at least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council; iii. the remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council; iv. the landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and v. this area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots; vi. any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.	NC

	Zone and Location Specific Rules	Activity Status
27.7.4	**Ladies Mile** **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: 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 ac-cess 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.	NC
27.7.5	**Jacks Point** **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: 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 Struc-ture Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable; d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.	D

	Zone and Location Specific Rules	Activity Status
	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. Discretion 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; 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
	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: 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	**Millbrook Resort Zone** **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.	D
27.7.7	**Coneburn Industrial** **27.7.7.1** Subdivision not in general accordance with the Coneburn Industrial Structure Plan located in Section 27.13. For the purposes of this rule: a. any fixed connections (road intersections) shown on the Structure Plan may be moved no more than 20 metres; b. any fixed roads shown on the Structure Plan may be moved no more than 50 metres in any direction; c. the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres.	NC
	27.7.7.2 Subdivision failing to comply with any of the following: a. consent must have been granted under Rule 44.4.10 for landscaping of the Open Space Area shown on the Structure Plan in accordance with an Ecological Management Plan prior to lodgement of the subdivision application; b. subdivision of more than 10%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 25% of the Open Space Area shown on the Structure Plan; c. subdivision of more than 25%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 50% of the Open Space Area shown on the Structure Plan; d. subdivision of more than 50%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 100% of the Open Space Area shown on the Structure Plan.	NC
	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: a. prior to the Northern Access Point being constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and being available for public use every subdivision of any land within the zone must contain a condition requiring that the Northern Access Point be constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and be available for public use prior to issue of a s.224(c) certificate; b. any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a condition requiring the construction of the Southern Access Point as a Priority T intersection (Austroads Guide to Road Design (Part 4A)) and that it be available for public use prior to issue of a s.224(c) certificate, unless the Southern Access Point has been constructed and is available for public use at the time the consent is granted.	NC

	Zone and Location Specific Rules	Activity Status
27.7.8	**West Meadows Drive** **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. Control is reserved to: a. the matters of control listed under Rule 27.7.1; and b. roading layout.	C
	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.	D
27.7.9	**Frankton North** **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: a. access to the wider roading network shall only be via one or more of: 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. Discretion is restricted to: 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
	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.	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 Act[6].

[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 Resouce 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.

29.9.6.2 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 2**7.7.8.1,** the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.8.1 Assessment Matters in relation to Rule 27.7.8.1

a. the assessment criteria identified under Rule 27.7.1 as they apply to the West Meadows Drive area.

b. the extent to which the roading layout integrates with the operation of West Meadows Drive as a through-road.

27.10 Rules - Non-Notification of Applications

Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:

a. where the site adjoins or has access onto a State Highway;

b. where the Council is required to undertake statutory consultation with iwi;

c. where the application falls within the ambit of Rule 27.5.4;

d. where the application falls within the ambit of Rule 27.5.10 and the written approval of Transpower New Zealand Limited has not been obtained to the application.

27.11 Advice Notes

27.11.1 State Highways

27.11.1.1 Attention is drawn to the need to obtain a Section 93 notice from the New Zealand Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR as at August 2015. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

27.11.2 Esplanades

27.11.2.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7. Unless otherwise stated, section 230 of the Act applies to the standards and process for creation of esplanade reserves and strips.

27.11.3 New Zealand Electrical Code of Practice for Electrical Safe Distances

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

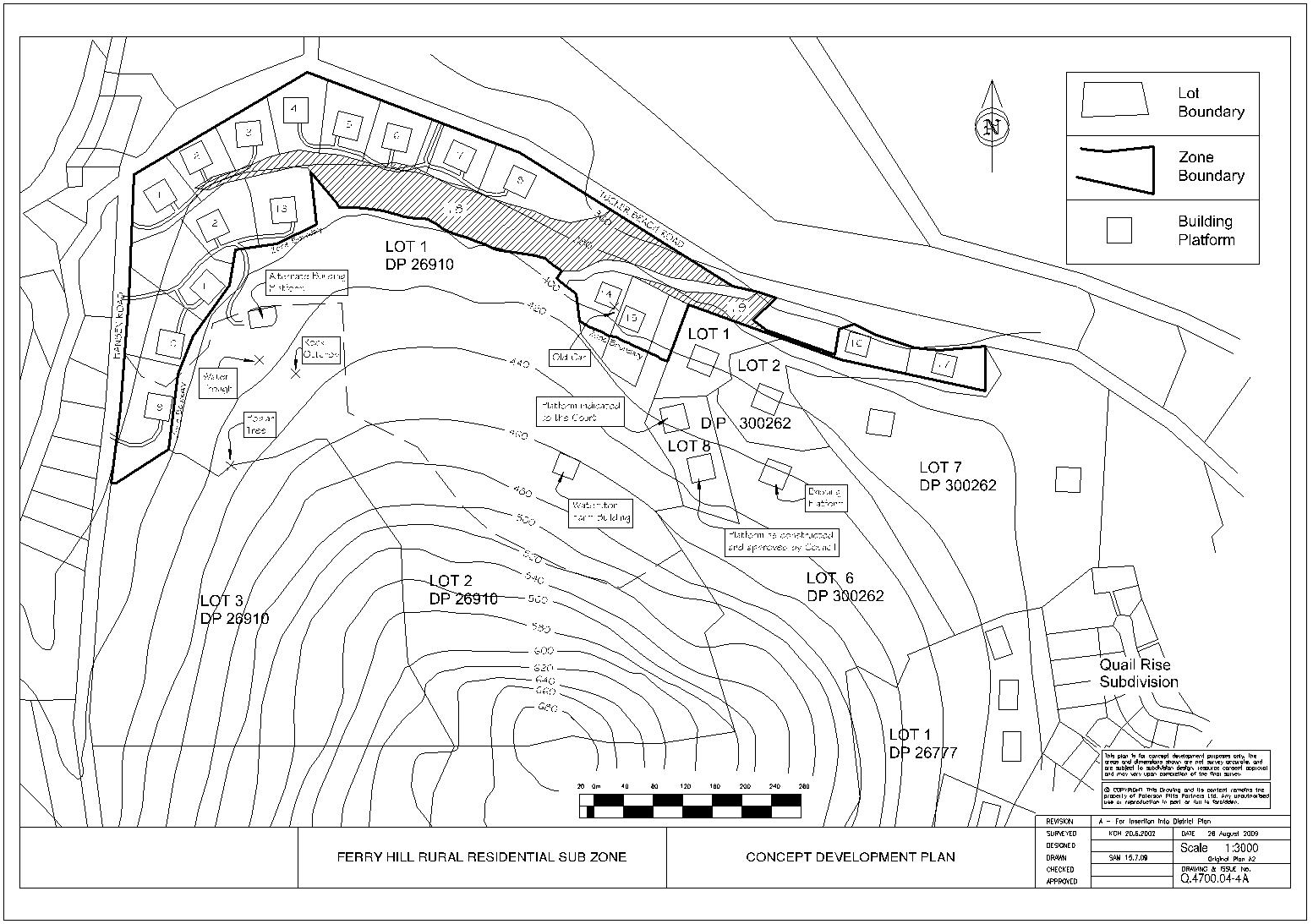
27.12 Financial Contributions

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

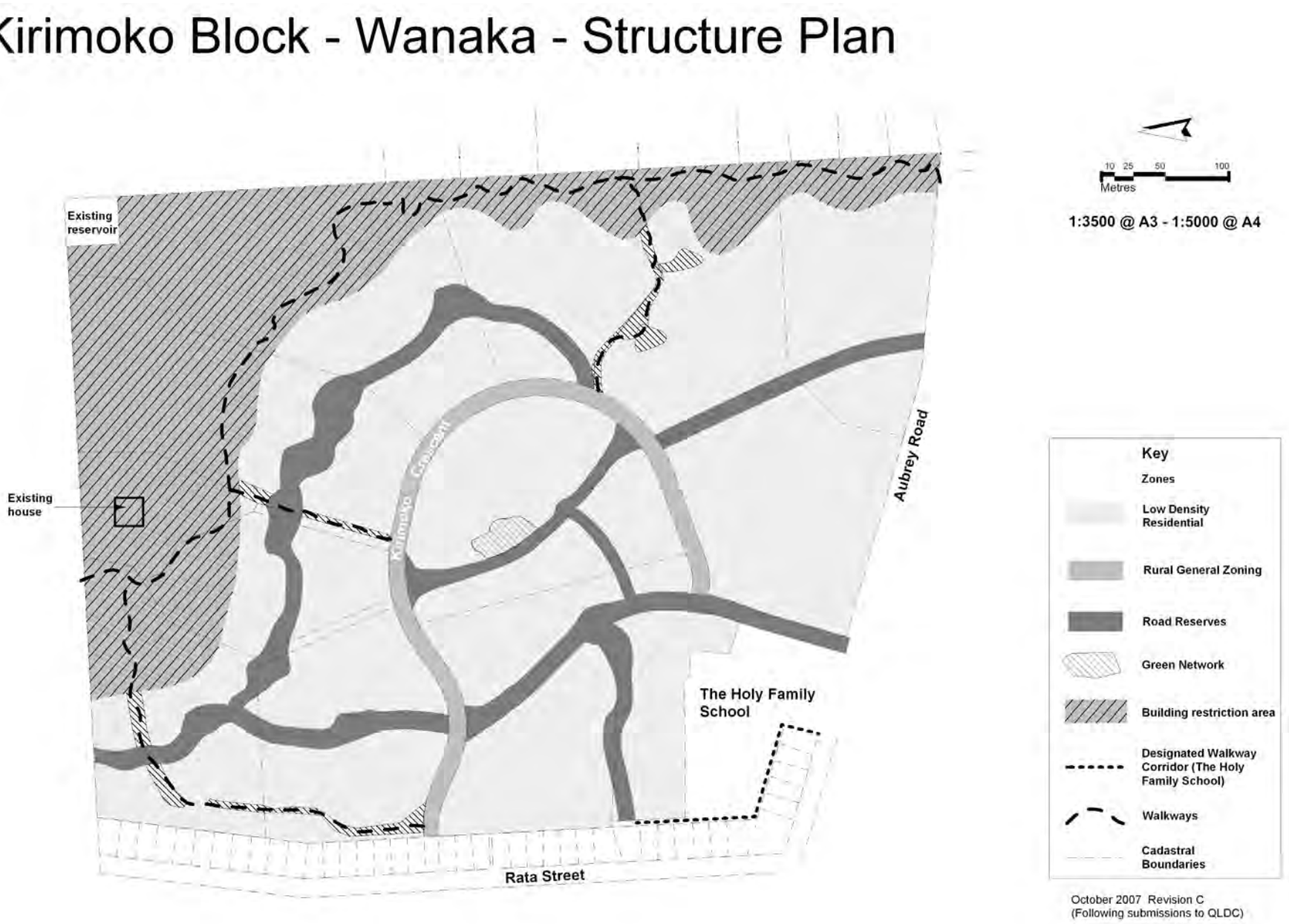
27.13 Structure Plans

Ferry Hill Rural Residential Subzone[6]

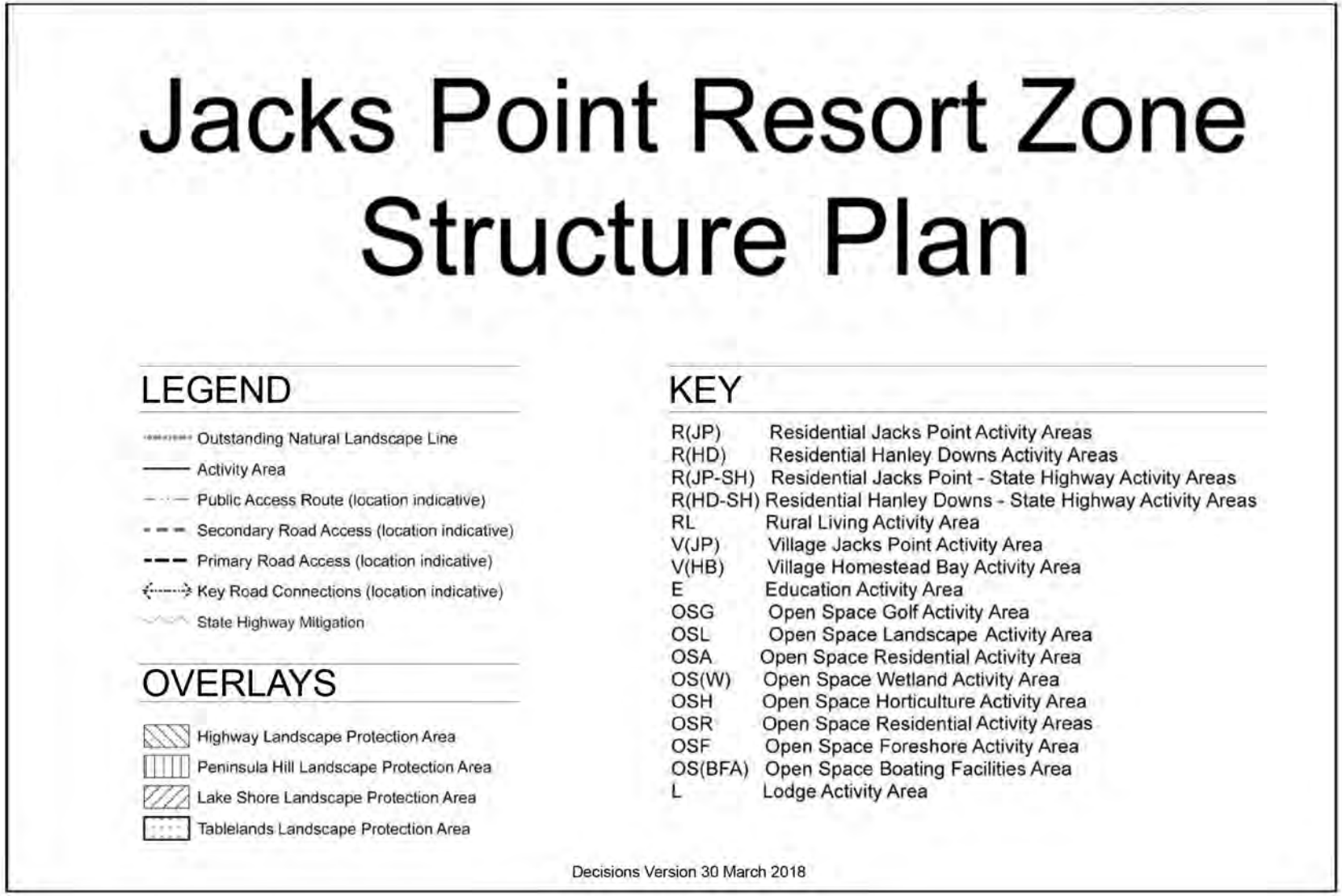


[6] Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

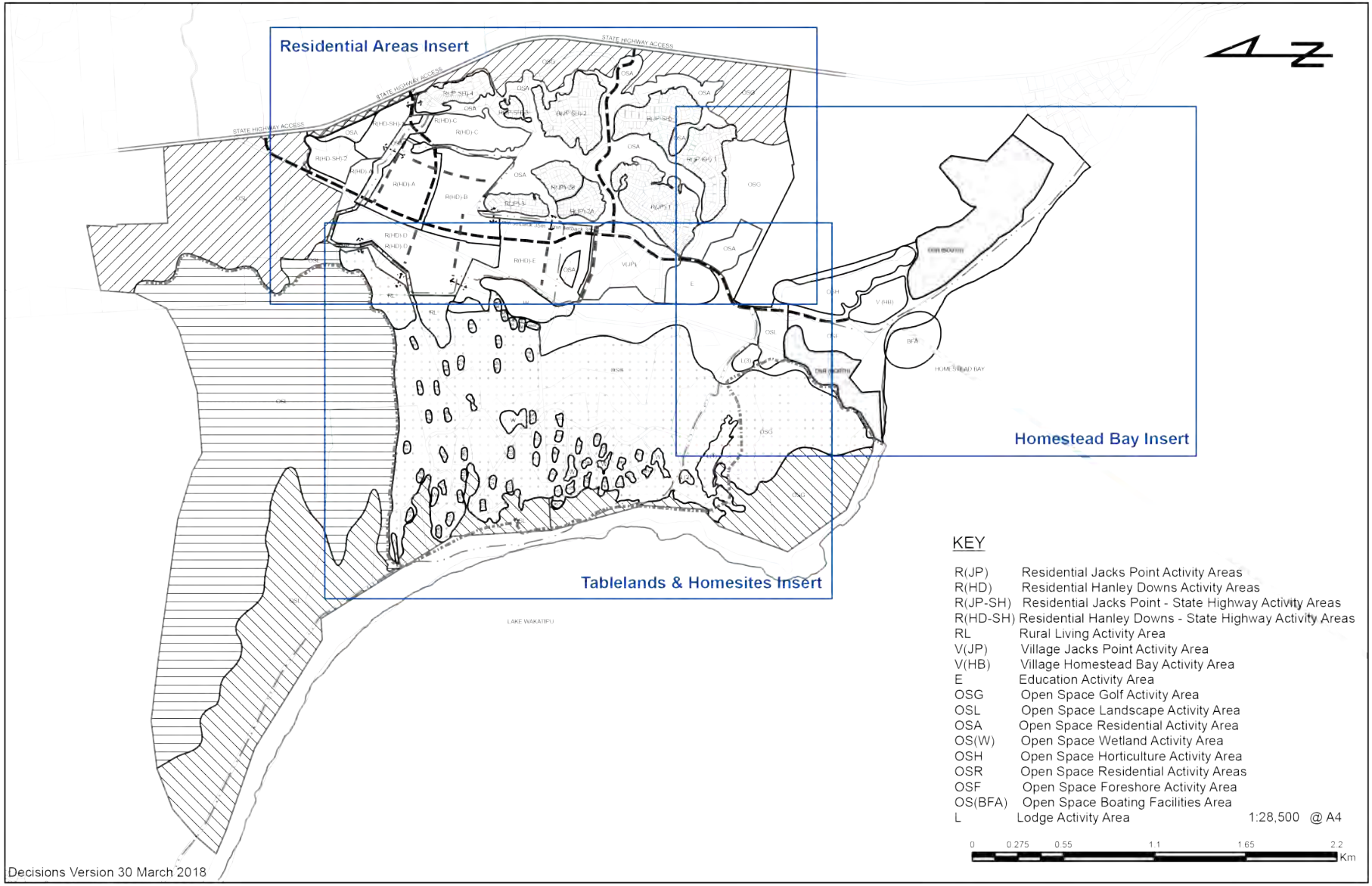
27.13.1 Kirimoko Structure Plan



27.13.2 Jacks Point Structure Plan

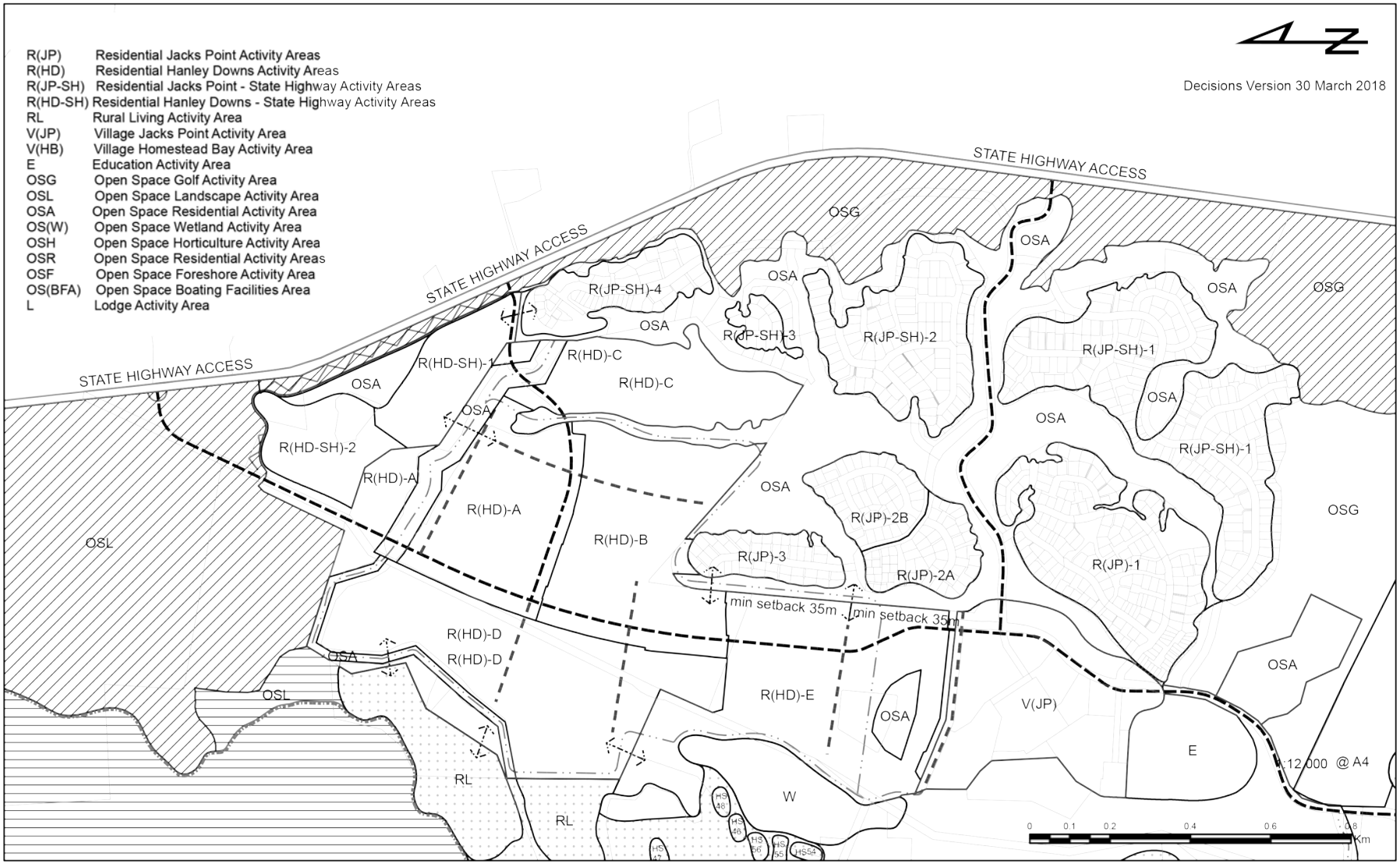


Jacks Point Resort Zone Structure Plan



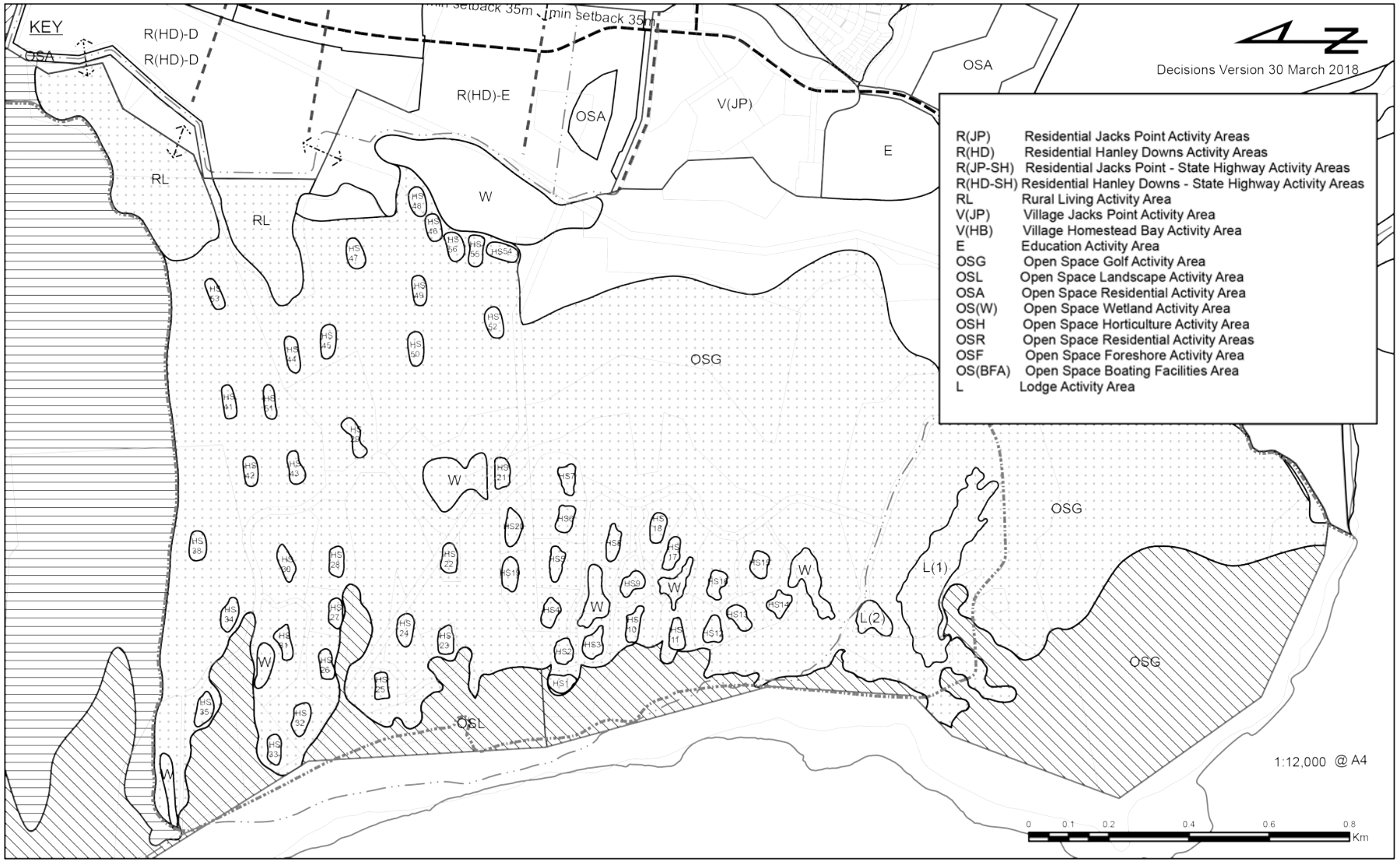
Jacks Point Resort Zone Structure Plan

Residential Areas Insert



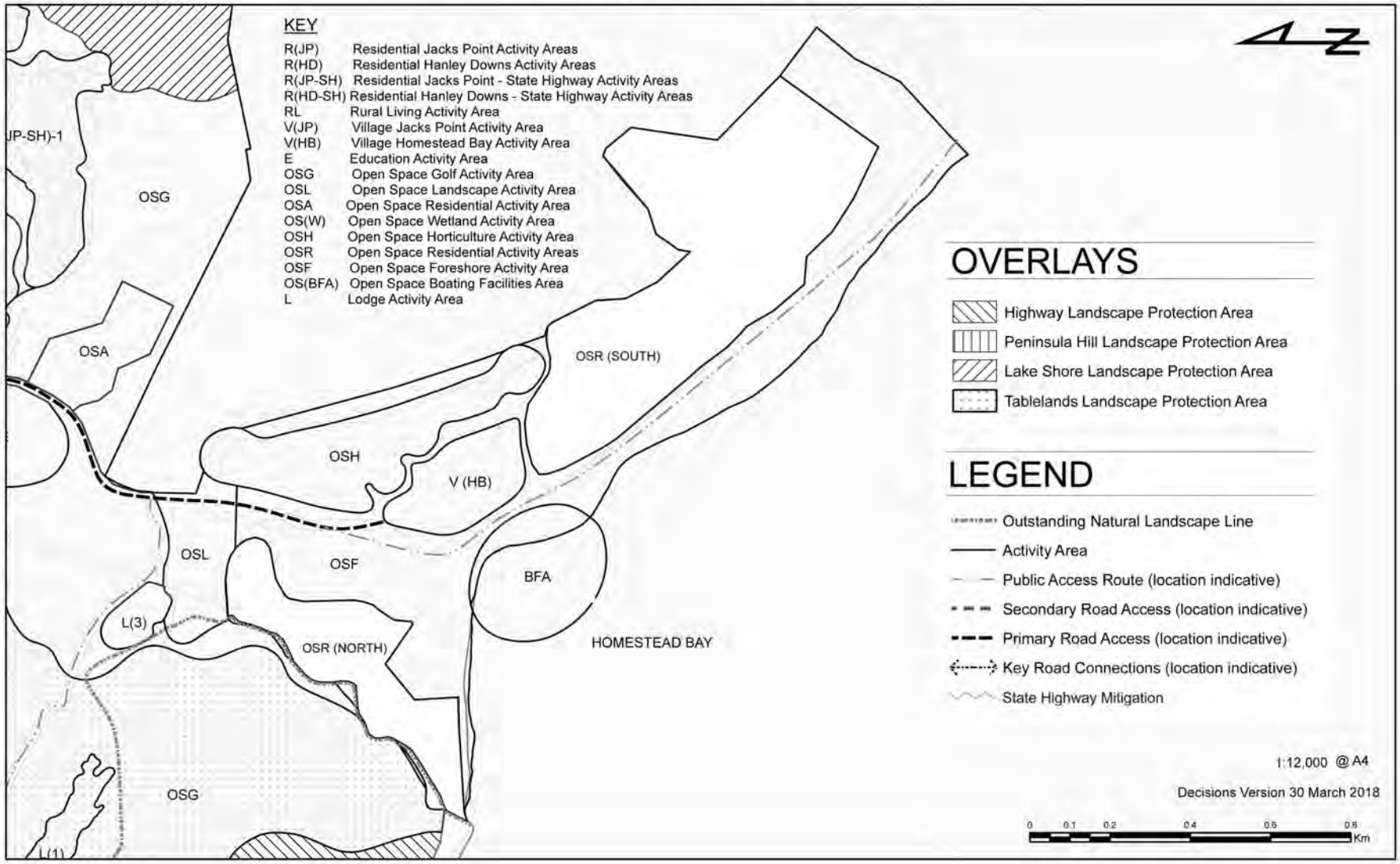
Jacks Point Resort Zone Structure Plan

Tablelands & Homesites Insert

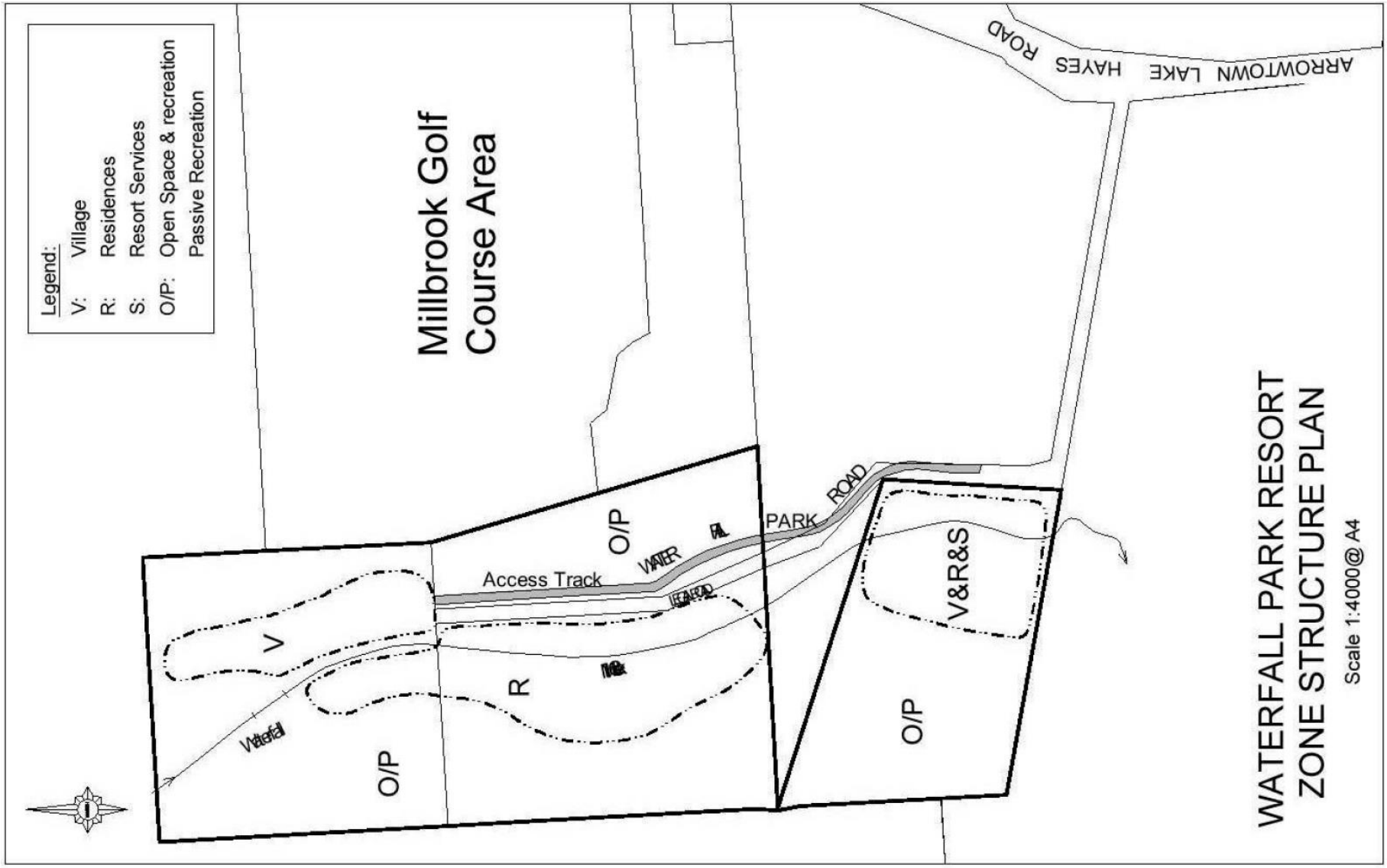


Jacks Point Resort Zone Structure Plan

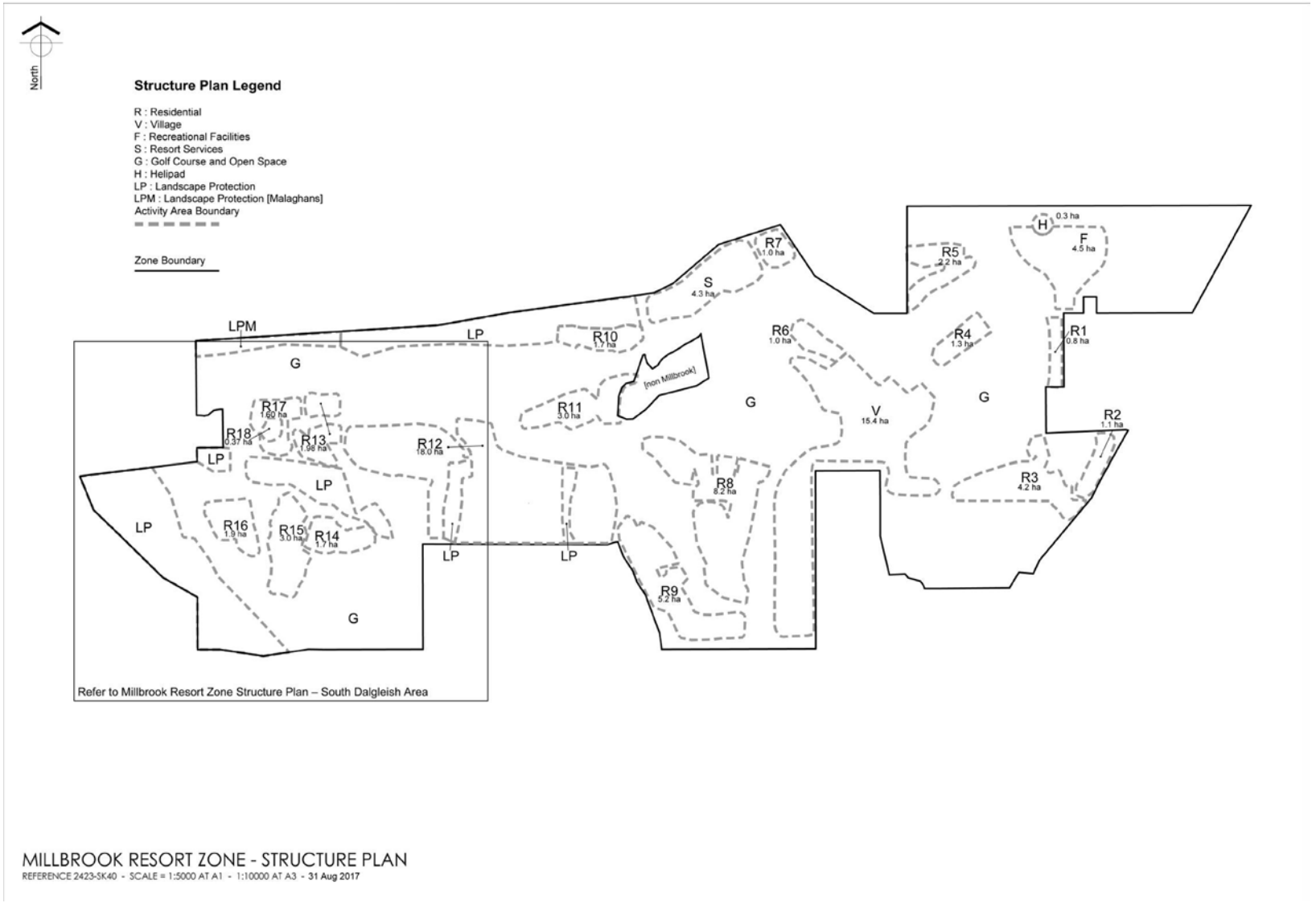
Homestead Bay Insert



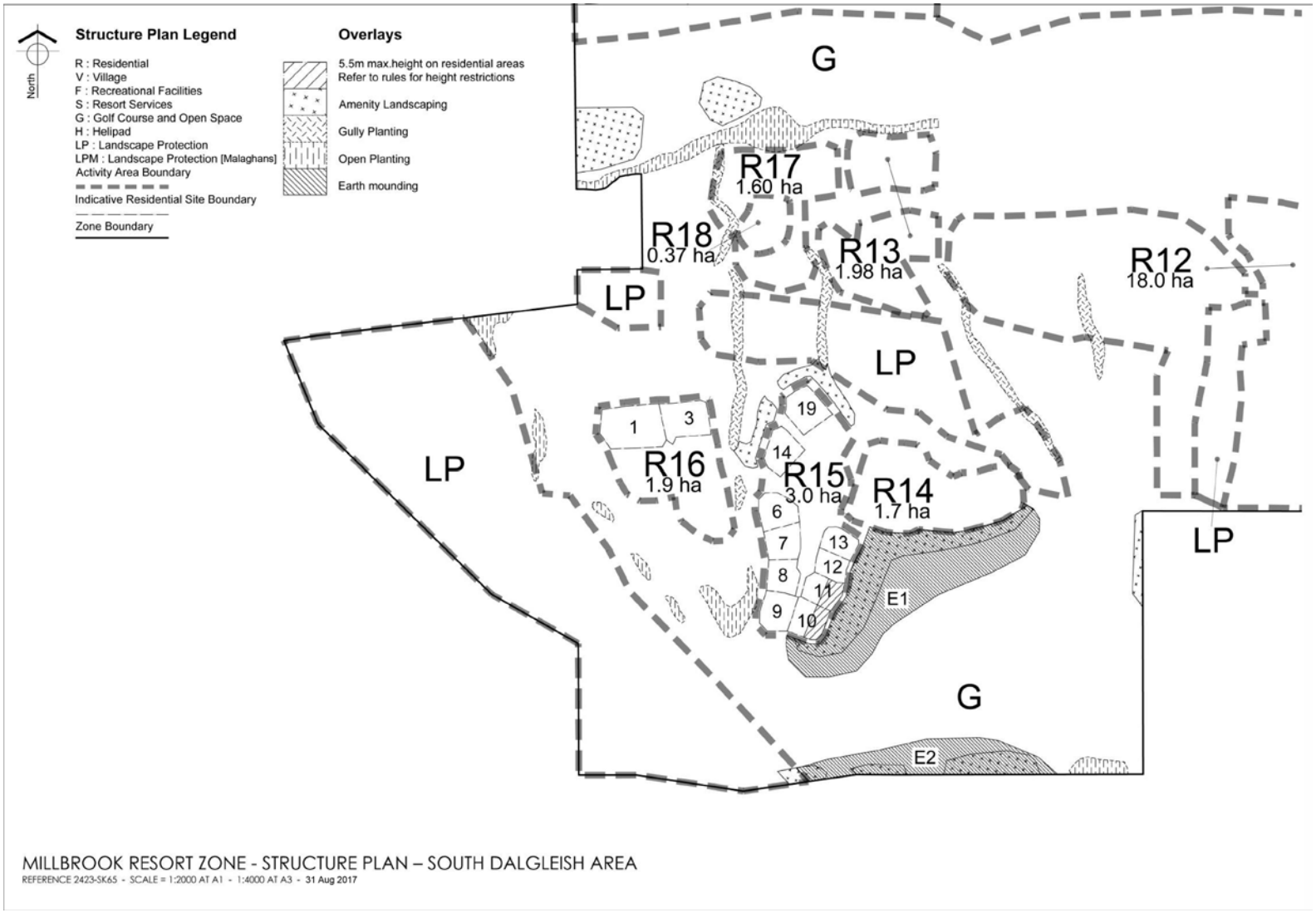
27.13.3 Waterfall Park Structure Plan



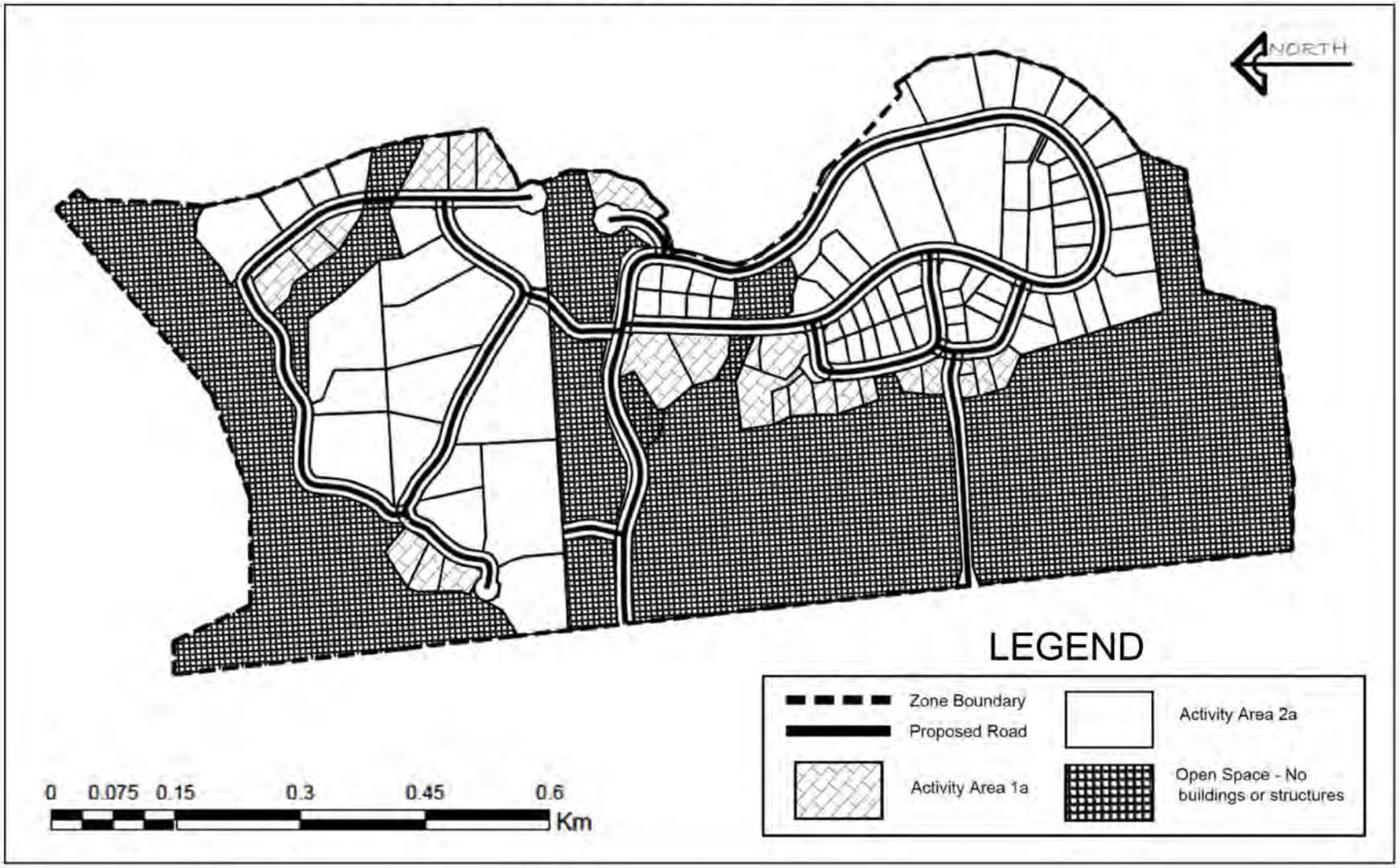
27.13.4 Millbrook Structure Plan



MILLBROOK RESORT ZONE - STRUCTURE PLAN
REFERENCE 2423-SK40 - SCALE = 1:5000 AT A1 - 1:10000 AT A3 - 31 Aug 2017

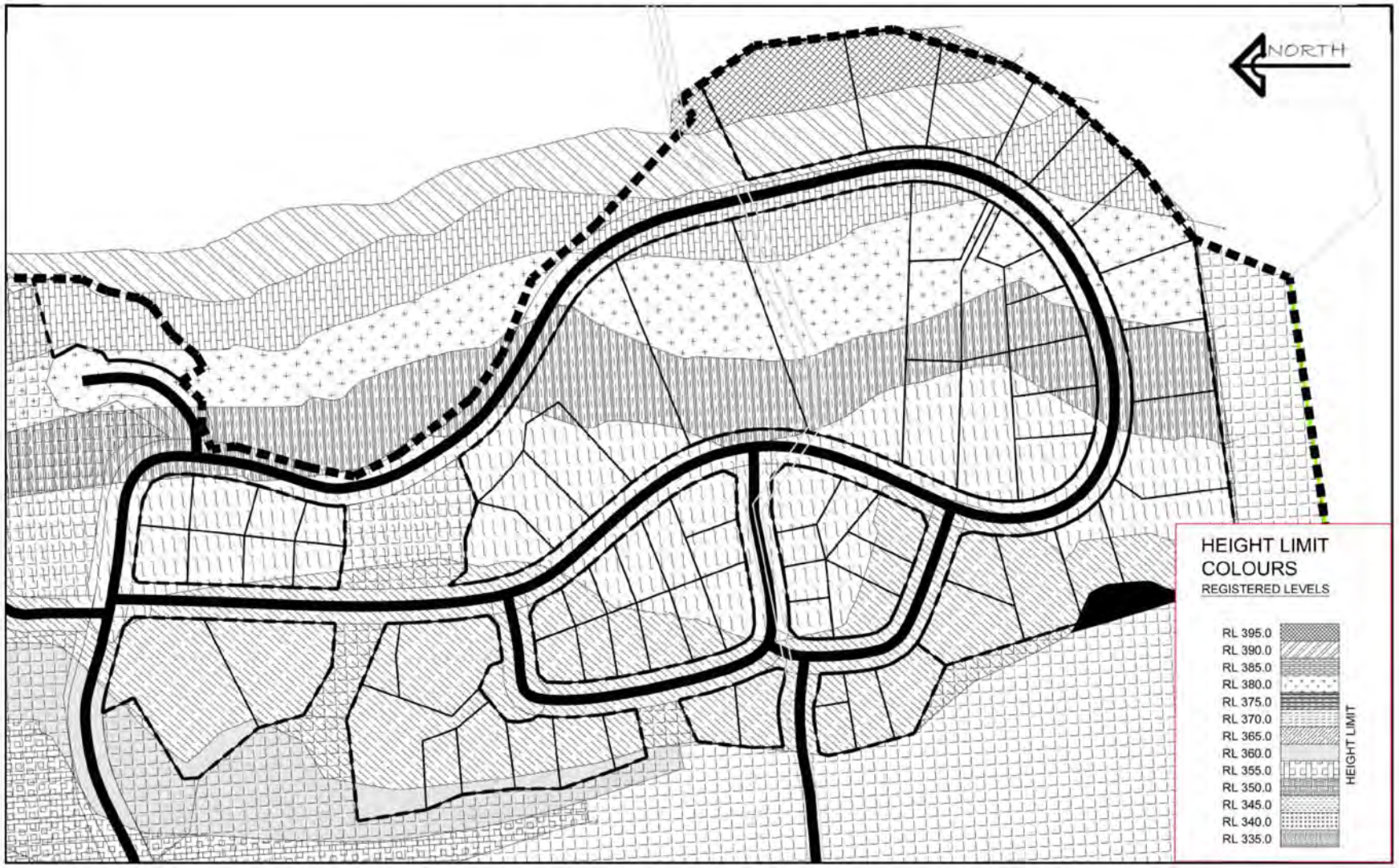

Structure Plan Legend
R : Residential
V : Village
F : Recreational Facilities
S : Resort Services
G : Golf Course and Open Space
H : Helipad
LP : Landscape Protection
LPM : Landscape Protection [Malaghans]
Activity Area Boundary
Indicative Residential Site Boundary
Zone Boundary
Overlays
5.5m max.height on residential areas
Refer to rules for height restrictions
Amenity Landscaping
Gully Planting
Open Planting
Earth mounding
North
G
R17
1.60 ha
R18
0.37 ha
R13
1.98 ha
R12
18.0 ha
LP
LP
LP
LP
LP
1
3
19
14
R16
1.9 ha
R15
3.0 ha
R14
1.7 ha
6
7
8
9
10
11
12
13
E1
G
E2
MILLBROOK RESORT ZONE - STRUCTURE PLAN – SOUTH DALGLEISH AREA
REFERENCE 2423-SK65 - SCALE = 1:2000 AT A1 - 1:4000 AT A3 - 31 Aug 2017

27.13.5 Coneburn Industrial Structure Plan



Coneburn Structure Plan

Building Height Limits: Part 1

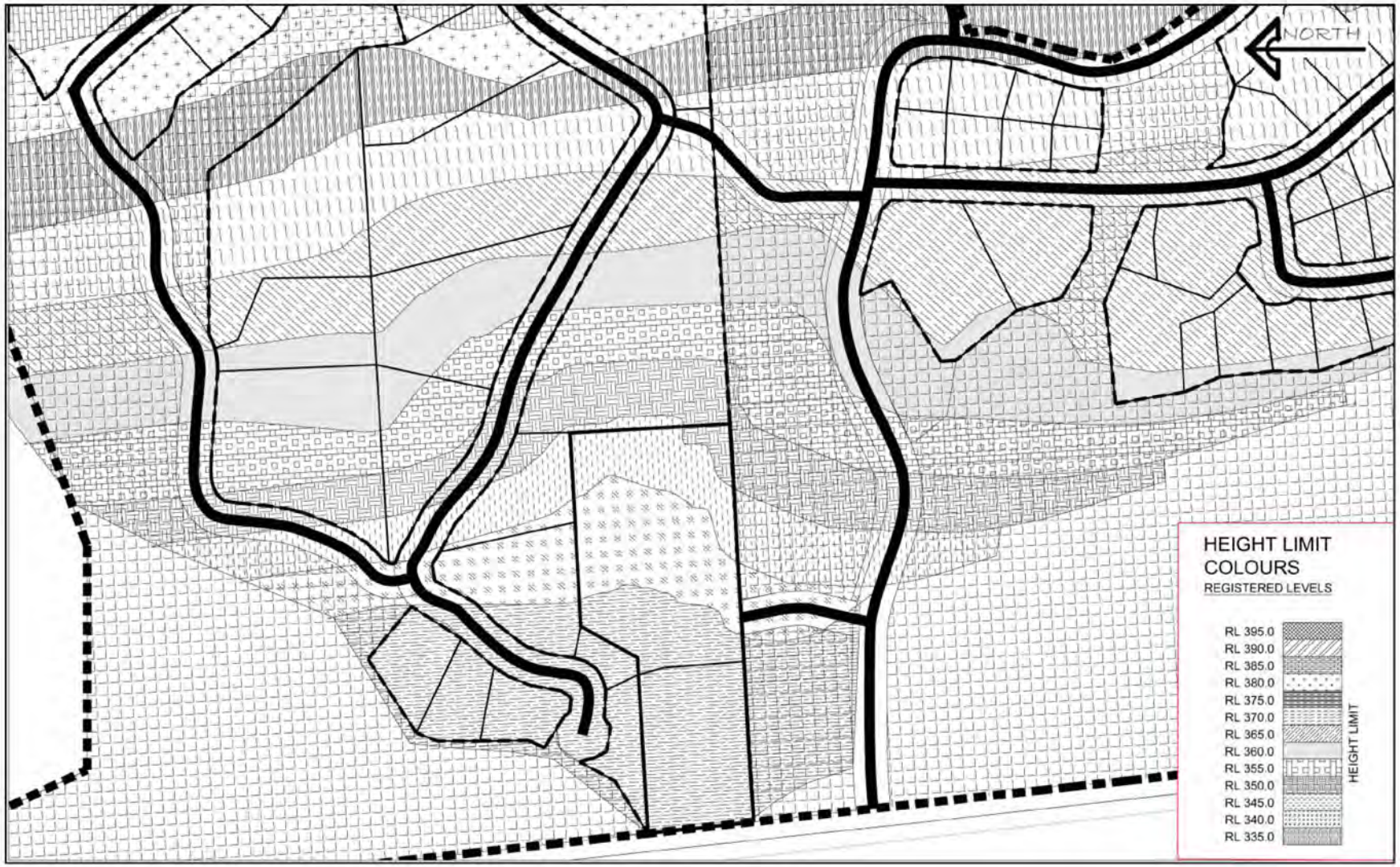


Coneburn Structure Plan

Building Height Limits: Part 2

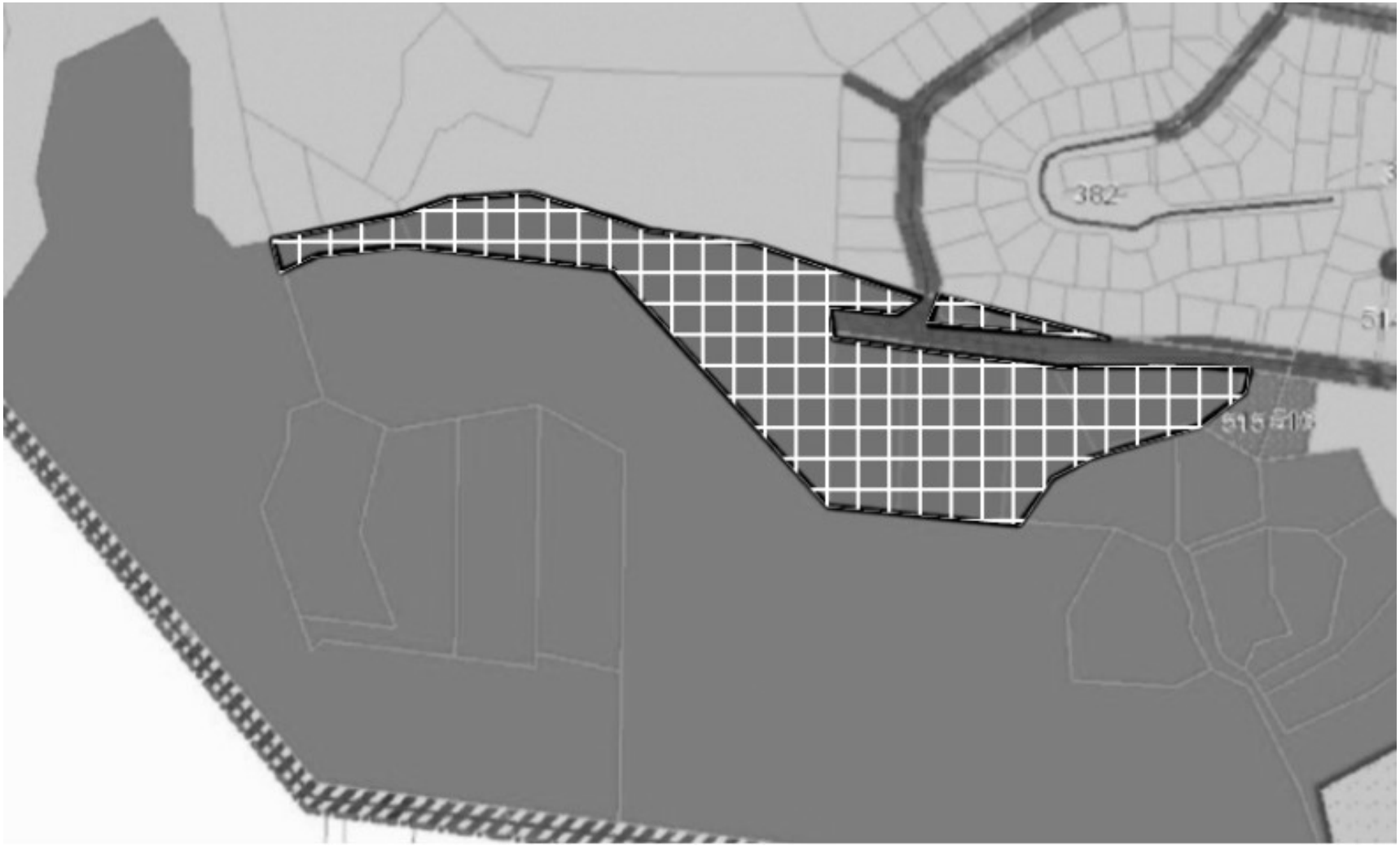
Coneburn Structure Plan

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

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
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

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
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

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
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

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
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

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
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

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
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)