

In the Environment Court of New Zealand  
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-**

Under the Resource Management Act 1991

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA  
in relation to the proposed Queenstown Lakes District  
Plan

Between **Wayfare Group Limited**

Appellant

And **Queenstown Lakes District Council**

Respondent

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**Notice of Appeal – Wayfare Group Limited**

**Queenstown Lakes District Council Proposed District Plan Stage 3  
Variation to Chapter 30 Energy and Utilities**

4 December 2020

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**Appellant's solicitors:**

Maree Baker-Galloway | Roisin Giles  
Anderson Lloyd  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348  
DX Box ZP95010 Queenstown  
p + 64 3 450 0700  
maree.baker-galloway@al.nz | roisin.giles@al.nz

**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

- 1 Wayfare Group Limited (**Wayfare Group**) appeals against part of the Decision on the Variation to Chapter 30 of the Queenstown Lakes District Proposed District Plan (**PDP**).
- 2 Wayfare Group made submission #3343 on Stage 3 of the PDP.
- 3 Wayfare Group is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Wayfare Group received notice of the Decision on 22 October 2020.
- 5 The Decision was made by Queenstown Lakes District Council (**QLDC**).

### **Chapter 30 – Energy and Utilities**

- 6 Wayfare Group requests Chapter 30 of the PDP be amended as required to ensure permitted status for clearing earthworks and debris after a flooding event.

#### *Clearing earthworks and debris after a flooding event*

- 7 Warfare Group's subsidiaries have previously experienced flooding events where debris has been brought onto land and required clearing. Wayfare anticipates these types of flooding events will happen again. It is important that the clearance of any debris following such an event can be done without consent.

#### *Uncertainty of plan provisions*

- 8 The relevant plan provisions, being Rules 30.5.1.7 and 30.5.1.14 of Chapter 30 of the PDP, are unclear on whether clearance of debris can be carried out as a permitted activity. It is also unclear whether the clearance would come under the permitted flood protection works Rule 30.5.1.2.
- 9 Given the settled earthworks rules, particularly those for earthworks in proximity to waterbodies, it is important to ensure clearance of flood debris will not be captured by the general earthworks provisions and require consent.

### **Relief Sought**

- 10 Wayfare seeks the following relief:

- (a) That the activity status of Rule 30.5.1.14 be amended so that "Structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for in Rule 30.5.1.7" is a permitted activity;
- (b) Alternatively, that Rule 30.5.1.7 be amended to explicitly include earthworks to clear debris from a flood event;
- (c) Any alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal and Wayfare Group's submission.

### **Attachments**

11 The following documents are **attached** to this notice:

- (a) **Appendix A** – A copy of the Appellant's submission;
- (b) **Appendix B** – A copy of the relevant parts of the decision; and
- (c) **Appendix C** – A list of names and addresses of persons to be served with this notice.

Dated this 4<sup>th</sup> day of December 2020



Maree Baker-Galloway/Roisin Giles  
Counsel for the Appellant

### **Address for service of the Appellants**

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz

Contact persons: Maree Baker-Galloway

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

#### *Advice*

If you have any questions about this notice, contact the Environment Court in Christchurch.

**Appendix A** – A copy of the Appellant's submission on the PDP

**To:** Queenstown Lakes District Council

**Address:** Sent via email to: [pdpsubmission@qldc.govt.nz](mailto:pdpsubmission@qldc.govt.nz)

**Name of submitter:** WAYFARE GROUP LIMITED (**Wayfare**)

**Submitter interests:** WAYFARE is the parent company of Real Journeys, Cardrona Alpine Resort, Go Orange, International Antarctic Centre, and Te Anau Developments. Through these companies Wayfare has an interest in, and will be affected by, various new or varied provisions proposed under the QLDC District Plan Review Stage 3. An overview of the respective interests of Real Journeys, Te Anau Developments Cardrona Alpine Resort, Go Orange<sup>1</sup> in the QLDC District Plan have previously been provided to QLDC in relation to Stages 1 and 2 of the review process. This submission is written with the understanding that the intertwining matters raised by Real Journeys, Te Anau Developments, Cardrona Alpine Resort, and Go Orange in the Stage 1 and 2 processes remain valid and will be carried through to the Stage 3 decision-making process (to the extent they are applicable).

**General Relief sought:** WAYFARE requests that the proposed district plan provisions be:

- a) Amended as described on the following pages.
- b) Except for (a) above, retained as notified, unless they are amended in a manner which aligns with this submission.
- c) WAYFARE seeks the relief referred to above or such further, more refined, additional, other or alternative relief that might give effect to this submission and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.

This relief is made in addition to the relief sought by Real Journeys, Te Anau Developments, Cardrona Alpine Resort, and Go Orange in the Stage 1 and 2 processes in their respective submissions on Stages 1 & 2.

**Trade Competition:** WAYFARE cannot gain an advantage in trade competition through this submission.

**Hearings:** WAYFARE wishes to be heard in support of this submission. WAYFARE would appreciate the opportunity to work collaboratively with QLDC staff / advisors and other submitters to help determine the most appropriate district plan provisions.

**Address for Service:** Wayfare Group Limited  
Contact: C/- Ben Farrell  
Email: [ben@jea.co.nz](mailto:ben@jea.co.nz) Phone: 021767622

**Date:** 18 November 2019

<sup>1</sup> Canyon Food & Brew Co is now part of "Go Orange"

## PROPOSED CHAPTER 39 “WĀHI TŪPUNA”

### Commentary

1. Wayfare has considerable interests in the management and use of resources identified within various wāhi tūpuna sites.
2. Wayfare supports embedding Mana whenua rights and interests (or values) in the District Plan framework. However, Chapter 39, as proposed, is unlikely to be the most efficient or effective, or the most appropriate plan framework for managing Mana whenua values. It creates a restrictive and ambiguous district planning framework that is likely to give rise to inefficient and ineffective decision-making processes.
3. A more appropriate framework is likely to be locating/integrating any Mana whenua specific objectives, policies and schedules in the strategic provisions (e.g. Chapters 3-6) with the applicable methods (rules and assessment matters) to be spread throughout the zone specific and district wide chapters (for example tweaking existing development standards and assessment matters). This will also enable users of the District Plan to have more certainty as to their rights and obligations in respect of Mana whenua values, specific to any location/ site.
4. It is likely to be more appropriate to achieve the intent of the plan change without requiring additional resource consents and without requiring Cultural Impact Assessments. The need for, and effectiveness of, requiring Cultural Impact Assessments is questionable and may not encourage or promote meaningful collaboration between parties and Mana whenua.

### Relief Sought

5. The following specific relief is sought:
  - a. Delete Chapter 39 as notified.
  - b. Rely on existing provisions of the District Plan to achieve the purpose/intent of the plan change. Where necessary, add matters of discretion related to Mana whenua values to those existing provisions.
  - c. Insert new or alternative provisions, including rules, which allow Mana whenua values to be recognised and provided for without requiring resource consents or cultural impact statements.

**PROPOSED VARIATION TO MULTIPLE CHAPTERS REGARDING “DESIGN GUIDELINES”****Commentary**

6. The Design Guidelines promote good practice, but it is not necessary to require consistency with the Design Guidelines to achieve the purpose of the RMA or implement the suite of relevant Objectives. Reference to the Design Guidelines in the District Plan may result in inefficient and ineffective land use and decision-making processes. It is also currently unclear the extent to which Design Guidelines are applicable within a permitted activity rule framework. The section 32 reports and the Guidelines themselves purport that these are applicable to permitted activities, as well as activities requiring consent, however no amendments have been made to permitted activity rules within the PDP Chapters. The Guidelines are not considered to be sufficiently certain to be applied within a permitted activity framework and would create an unnecessary and inefficient control for building and development.

**Relief Sought**

7. The following specific relief is sought:
  - a. Delete the Design Guidelines and reference to the Design Guidelines in the District Plan; or
  - b. Amend the respective policies and rules (including assessment matters) to “encourage” consistency with the Design Guidelines (rather than require or ensure consistency);
  - c. Remove any duplication between the matters contained within the Design Guidelines and provisions already in the text of the PDP, for example within matters of restricted control / discretion, and standards;
  - d. Clarify that the Design Guidelines do not apply to any permitted activities.



**PROPOSED VARIATION TO CHAPTER 30 “ENERGY AND UTILITIES”****Commentary**

8. Utilities and works which protect people and property from natural hazard risk are significant physical resources that should be provided for.
9. It is unclear from the material available what Rule 30.5.1.e permits. It is also unclear if underground cabling for the transmission and distribution of telecommunication (signals / data / information) is permitted. Underground telecommunication services should be a permitted activity (including natural hazard monitoring equipment).

**Relief Sought**

10. The variation is supported and is requested to be retained as notified except for the following amendments:
  - a. Insert new clause to clarify that reference to “the community” includes individual people and property (i.e. not just a group or the broader community).
  - b. Permit structures, facilities, plant, equipment, and associated works including earthworks for the protection of the community from natural hazards.
  - c. Permit underground telecommunication services (including associated earthworks).
  - d. Amend status of 30.5.1.13 from Discretionary to Controlled or Restricted Discretionary.
  - e. Insert additional matter of discretion for Restricted Discretionary activities to ensure “positive effects” of the activity are to be considered.

**PROPOSED VARIATION TO MULTIPLE CHAPTERS REGARDING “GLARE”****Commentary**

11. Glare has the potential to create navigational safety risks. It is important, for navigational safety, for Glare to be managed to avoid inappropriate navigational safety risks.

**Relief Sought**

12. Insert additional matter of discretion to include “navigational safety” where these provisions apply to land use that may affect navigational safety (e.g. chapters 7, 8, 9, 12, 13, 15, 16).

**PROPOSED VARIATION TO CHAPTER 38 “OPEN SPACE AND RECREATION ZONE”****Commentary**

13. Wayfare is affected by the provisions applying to the Queenstown Town Centre Waterfront Sub Zone (QTCWSZ). Wayfare supported retention of the QTCWSZ throughout the Stage 1 Review process. Wayfare opposes rezoning the waterfront to Open Space or Recreation. Retaining the area as town centre is consistent with previous district planning regimes (including the operative district plan and Stage 1 of the PDP Review process). Rezoning the area also creates an uncertain and unnecessarily complicated management framework. It is more appropriate to retain the status quo by applying the QTCWSZ provisions to the subject land<sup>2</sup>.

**Relief Sought**

14. Retain the Queenstown Town Centre Waterfront Sub Zone and provisions, to the extent that is consistent with the relief sought in the appeals by Real Journeys Limited and Te Anau Developments Limited in Stages 1 and 2.
15. Insert additional matter of discretion for Restricted Discretionary activities in Table 38.5, to ensure “positive effects” of the activity are to be considered.

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<sup>2</sup> Except as Wayfare has previously sought to be amended in the PDP Stage 1 and 2 Review processes.

## CHAPTER 18A GENERAL INDUSTRIAL ZONE

### Commentary

16. Wayfare opposes provisions which direct avoidance of recreation (including commercial recreation) activities, including the Non-Complying Activity status for recreation and commercial recreation. Wayfare also opposes the Non-Complying Activity status for community activities and facilities.
17. Use of industrial land and buildings, for example conversion of large buildings/warehouses into the recreation and community facilities, can provide appropriate land uses that optimise resource use and efficiency without compromising or adversely affecting industrial land use activities or having a material adverse effect on industrial land use supply. Community and recreation facilities are in short supply in Queenstown. There are few locations in the District where community and recreation facilities are permitted and it can be cost prohibitive for community and recreation groups to develop new buildings or lease buildings in zones where commercial and recreation activities are permitted.

### Relief Sought

18. The following relief is sought:
  - a. Amend policies 18A.2.2.1, 18A.2.2.3, and 18A.2.2.4 to clarify that recreation /commercial recreation activities need not be avoided. It is suggested that the text (excluding commercial recreation) be inserted after “Commercial activities” in these policies respectively.
  - b. Insert a new policy that provides for recreation activities. Suggested wording is:
 

Provide for recreation and community activities and facilities, including commercial recreation, where:

    - i. The applicant demonstrates it is difficult or impractical to locate the activity in other zones
    - ii. The activity is compatible with the use of industrial land and buildings; and
    - iii. The activity is compatible with neighbouring land uses.
  - c. Amend the activity status in rule 18A.4.8, in relation to recreation and commercial recreation, from Non-Complying to Discretionary.
  - d. Amend the activity status in rule 18A.4.9, in relation to community activities and facilities, from Non-Complying to Discretionary.

**PROPOSED CHAPTER 20 SETTLEMENT ZONES****Commentary**

19. Wayfare supports promotion and enabling of additional housing opportunities in all settlement zones, particularly for worker accommodation. Wayfare has commercial interests throughout the District and observes there is a lack of rental accommodation available to workers and it is difficult to recruit staff in settlement locations. There is a high cost of living in town centres and this contributes to the difficulty of retaining staff who reside in town centres.

**Relief Sought**

20. Insert new policy 20.2.1.X that provides for new residential accommodation including increased residential density if it is for the purposes of long-term rental or worker accommodation. Suggested wording is:

*Provide for increased residential increased density and built development that supports the provision of long-term rental and worker accommodation:*

21. Amend all development standards, as required, so that the construction and use of land and buildings for the purposes of long-term rental or worker accommodation activities cannot be non-complying activities, even if they breach Zone standards.

**PROPOSED FIREFIGHTING VARIATION TO MULTIPLE CHAPTERS****Commentary**

22. Wayfare has considerable investment in the Rural Zone including numerous buildings. Wayfare will also be developing new buildings in the Rural Zone and may build new buildings greater than 20m<sup>2</sup> in the Open Space and Recreation Zone. It is unclear why the amendments to Rules 21.7.5 and 38.10.11 are the most appropriate and how the amendments may affect Wayfare's interests, existing and future land uses.

**Relief Sought**

23. The following relief sought:
- a. Delete/withdraw proposed amendments.
  - b. Provide additional information clarifying how the proposed rules are to be interpreted and applied.
  - c. Provide an additional assessment matter to allow consideration of "whether the location and functional need of the activity may justify non-conformance with SNZ PAS 4509:2008 being complied with".

**GENERAL REASONS FOR THE ABOVE SUBMISSIONS**

24. WAYFARE has considerable interest in the management of the District's natural and physical resources and accordingly has invested heavily in the District Plan Review Process. In addition to the specific commentary provided below, WAYFARE is concerned that some of the proposals in Stage 3 do not fully achieve the applicable higher order provisions and do not meet the purpose of the Act. Wayfare is concerned that the proposals:

- a. Do not promote sustainable or integrated management;
- b. Do not manage the use, development and protection of natural and physical resources;
- c. Do not avoid, remedy or mitigate adverse effects;
- d. Do not meet the requirements under section 32 of the Act;
- e. Are not the 'most appropriate' way to achieve the purpose of the Act;
- f. Are not efficient or effective; and
- g. Are not representative of sound resource management practice.

**Appendix B** – A copy of the relevant parts of the PDP decision



## 30 Energy and Utilities

### Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation of electricity and the provision of essential infrastructure throughout the District.

#### 30.1.1 Energy

Energy resources play a key role in the socio-economic wellbeing and growth of the District. Local energy needs may change over time and are dependent on the scale of demand, as well as measures to reduce demand through energy efficiency, conservation and small scale renewable generation.

In the future, there may be a need for new generation sources to meet demand. Electricity generation by renewable energy sources is desired over non-renewable sources and this is reinforced in the National Policy Statement on Renewable Electricity Generation 2011. The generation of electricity from non-renewable sources is generally discouraged. However, standby generation may be necessary for essential public, civic, community and health functions, or in areas not connected to the electricity distribution network.

Energy efficiency and conservation go hand in hand with renewable energy. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions. Small and community scale generation is encouraged and advantages of solar energy within the District are recognised. The benefits of solar energy may be realised through site design methods which promote solar efficient design, in addition to the inclusion of solar photovoltaic panels and solar hot water heating systems within buildings. Sustainable building forms which reduce energy demand and minimise heating costs are encouraged, including use of the Homestar™ rating system for residential buildings and Green Star tool for commercial buildings.

#### 30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised. In addition, some utilities have specific locational needs that need to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.

Utilities are also required for the purpose of the protection of the community from natural hazards. The provisions in this Chapter address structures and works required for the purpose of natural hazard

mitigation, while Chapter 28 (Natural Hazards) focuses on the consequences of subdivision, use and development on, and the natural hazard risk to, those activities.

## 30.2 Objectives and Policies

### Energy

**30.2.1 Objective - The sustainable management of the District's resources benefits from the District's renewable and non-renewable energy resources and the electricity generation facilities that utilise them.**

### Policies

30.2.1.1 Recognise the national, regional and local benefits of the District's renewable and non-renewable electricity generation activities.

30.2.1.2 Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

**30.2.2 Objective - The use and development of renewable energy resources achieves the following:**

- a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
- c. It assists in meeting international climate change obligations;
- d. It reduces reliance on imported fuels for the purpose of generating electricity;
- e. It helps with community resilience through development of local energy resources and networks.

### Policies

30.2.2.1 Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:

- a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available;
- b. recognises logistical and technical practicalities associated with renewable electricity generation activities;
- c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.

30.2.2.2 Enable new technologies using renewable energy resources to be investigated and established in the district.

**30.2.3 Objective - Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.**

**Policies**

30.2.3.1 Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.

30.2.3.2 Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.

30.2.3.3 Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.

30.2.3.4 Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:

- a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;
- b. recreation and cultural values, including relationships with tangata whenua;
- c. amenity values;
- d. the extent of public benefit and outcomes of location specific cost-benefit analysis.

30.2.3.5 Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.

30.2.3.6 To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.

30.2.3.7 Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

**30.2.4 Objective - Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.**

**Policies**

30.2.4.1 Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.

30.2.4.2 Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

30.2.4.3 Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.

30.2.4.4 Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.

30.2.4.5 Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.

30.2.4.6 Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

### Utilities

**30.2.5 Objective - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.**

### Policies

30.2.5.1 Utilities are provided to service new development prior to buildings being occupied, and activities commencing.

30.2.5.2 Ensure the efficient management of solid waste by:

- a. encouraging methods of waste minimisation and reduction such as re-use and recycling;
- b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
- c. assessing trends in solid waste;
- d. identifying solid waste sites for future needs;
- e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);
- f. providing for the appropriate re-use of decommissioned landfill sites.

30.2.5.3 Recognise the future needs of utilities and ensure their provision in conjunction with the provider.

30.2.5.4 Assess the priorities for servicing established urban areas, which are developed but are not reticulated.

30.2.5.5 Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.

30.2.5.6 Encourage low impact design techniques which may reduce demands on local utilities.

**30.2.6 Objective - The establishment, continued operation and maintenance of utilities supports the well-being of the community.**

### Policies

30.2.6.1 Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on-going viability and efficiency subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.

- 30.2.6.2 When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.
- 30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:
- a. enabling enhancement of the quality of life and standard of living for people and communities;
  - b. providing for public health and safety;
  - c. enabling the functioning of businesses;
  - d. enabling economic growth;
  - e. enabling growth and development;
  - f. protecting and enhancing the environment;
  - g. enabling the transportation of freight, goods, people;
  - h. enabling interaction and communication.
- 30.2.6.4 Encourage the co-location of facilities where operationally and technically feasible.
- 30.2.6.5 Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.
- 30.2.7 Objective - The adverse effects of utilities on the surrounding environments are avoided or minimised.**

#### **Policies**

- 30.2.7.1 Manage the adverse effects of utilities on the environment by:
- a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;
  - b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;
  - c. ensuring that redundant utilities are removed;
  - d. using landscaping and or colours and finishes to reduce visual effects;
  - e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.
- 30.2.7.2 Require the undergrounding of services in new areas of development where technically feasible.

30.2.7.3 Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.

30.2.7.4 Take account of economic and operational needs in assessing the location and external appearance of utilities.

**30.2.8 Objective - The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.**

**Policies**

30.2.8.1 Enabling the use and development of the National Grid by managing its adverse effects by:

- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;
- b. avoiding Sensitive Activities within the National Grid Yard;
- c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;
- d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.

**30.2.9 Objective – Natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community are enabled in a manner that minimises adverse effects on the environment.**

**Policies**

30.2.9.1 Enable the repair and maintenance of natural hazard mitigation structures, facilities, and plant required for the protection of the community.

30.2.9.2 Provide for natural hazard mitigation structures and works that are required to reduce risk to people, property and the community while:

- a. seeking to avoid significant adverse effects;
- b. where there is no reasonable alternative and avoidance of significant adverse effects is not practicable, remedying or mitigating adverse effects; and
- c. minimising other adverse effects.

30.2.9.3 Minimise any displacement of natural hazard risk off-site that may result from natural hazards mitigation structures and works.

30.2.9.4 Encourage natural hazard mitigation structures and works that result in low residual risk from natural hazards.

30.2.9.5 Recognise that natural hazard mitigation structures and works may have a functional need to locate within sensitive areas, with the potential for adverse effects on the values of those sensitive areas, including:

- a. Significant Natural Areas, including other areas that meet the criteria for significance in Policy 33.2.1.8;
- b. heritage features, heritage precincts, heritage overlay areas and protected trees;
- c. overlays and zones with special character areas including the Queenstown, Wānaka and Arrowtown town centres and the Arrowtown Residential Historic Management Zone;
- d. Outstanding Natural Landscapes and Outstanding Natural Features;
- e. Rural Character Landscape and other amenity landscapes;
- f. lakes, rivers and their margins;
- g. Wāhi tūpuna; and
- h. Open Space and Recreation Zones.

**30.3 Other Provisions and Rules**

**30.3.1 District Wide**

Attention is drawn to the following District Wide Chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	31 Signs
32 Protected Trees	33 Indigenous Vegetation	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

**30.3.2 Information on National Environmental Standards and Regulations**

- a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

- i. cabinets in and outside of road reserve;
- ii. antennas on existing and new poles in the road reserve;
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
- iv. new poles and antennas in rural areas;
- v. antennas on buildings;
- vi. small-cell units on existing structures;
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
- viii. associated earthworks.

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

The provisions of the NESTF 2016 prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

- c. New Zealand Electrical Code of Practice for Electrical Safe Distances.

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All



activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

Advice Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.

Compliance with this District Plan does not ensure compliance with NZECP 34.

- d. Advice Note: Electricity (Hazards from Trees) Regulations 2003.

Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

### **30.3.3 Interpreting and Applying the Rules**

30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules unless any of the exceptions set out in Rule 30.3.3.3 apply.

30.3.3.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.

30.3.3.3 The rules contained in this Chapter prevail over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks.
- b. 26 Historic Heritage.
- c. 32 Protected Trees.
- d. 33 Indigenous Vegetation and Biodiversity.
- e. 35 Temporary Activities and Relocated Buildings.
- f. 36 Noise.
- g. 39 Wāhi Tūpuna.

Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.

30.3.3.4 Roads are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of Roads of the Transport Network. These activities are managed by Chapter 27 Subdivision and Development and Chapter 29 Transport.

30.3.3.5 Airports and approach control services are defined as utilities. However the rules in this Chapter do not apply to Airport Activities within the Airport Zone (Chapter 17). Airport Activities within the Airport Zone are managed in Chapter 17.

30.3.3.6 The following abbreviations are used in the tables.

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

### 30.4 Energy Rules

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.1	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating (including any structures and associated buildings but excluding Wind Electricity Generation), other than those activities restricted by Rule 30.4.1.4.	P
30.4.1.2	Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone that complies with Rule 30.4.2.3  Control is reserved to the following:  a. noise;  b. visual effects;  c. colour;  d. vibration.	C
30.4.1.3	Renewable Electricity Generation Activities, limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary.  Discretion is restricted to:  a. the duration of works and the research purpose;  b. the location of investigation activities and facilities, including proximity to, and effects on, sensitive uses and environments;  c. the height and scale of facilities and potential visual effects;  d. environmental effects.	RD
30.4.1.4	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which is either:  a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2.  OR  b. Located in any of the following sensitive environments:	D

30.4.1	Renewable Energy Activities	Activity Status
	<ul style="list-style-type: none"> <li>i. Arrowtown Residential Historic Management Zone;</li> <li>ii. Town Centre Special Character Areas;</li> <li>iii. Significant Natural Areas;</li> <li>iv. Outstanding Natural Landscapes;</li> <li>v. Outstanding Natural Features;</li> <li>vi. Heritage Features and Heritage Overlay Areas.</li> </ul>	
30.4.1.5	Renewable Electricity Generation Activities, other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building housing plant and electrical equipment.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <ul style="list-style-type: none"> <li>30.4.2.1.1 Not overhang the edge of any building.</li> <li>30.4.2.1.2 Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</li> <li>30.4.2.1.3 Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</li> <li>30.4.2.1.4 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</li> <li>30.4.2.1.5 Not intrude through any recession planes applicable in the zone in which they are located.</li> <li>30.4.2.1.6 Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</li> <li>30.4.2.1.7 Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m<sup>2</sup> if solar panels on a flat roof.</li> </ul>	D

30.4.2	Renewable Energy Standards	Activity Status
	<p>30.4.2.1.8 Not exceed 150m<sup>2</sup> in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.9 Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.10 Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	
30.4.2.2	<p>Mini and Micro Hydro Electricity Generation must:</p> <p>30.4.2.2.1 Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located.</p> <p>30.4.2.2.2 Not exceed 2.5 metres in height.</p> <p>30.4.2.2.3 Be finished in recessive colours consistent with the building it is servicing on site.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.</p>	D
30.4.2.3	<p>Wind Electricity Generation must:</p> <p>30.4.2.3.1 Comprise no more than two Wind Electricity Generation turbines or masts on any site.</p> <p>30.4.2.3.2 Involve no lattice towers.</p> <p>30.4.2.3.3 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.3.4 Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.3.5 Be finished in recessive colours with a light reflectance value of less than 16%.</p> <p>Notes:</p> <p>In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).</p> <p>The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.</p> <p>Wind turbines must comply with Chapter 36 (Noise).</p>	D
30.4.2.4	Biomass Electricity Generation	D

30.4.2	Renewable Energy Standards	Activity Status
	<p>30.4.2.4.1 Biomass Electricity Generation fuel material shall be sourced on the same site as the generation plant, except where the generation plant is located in Industrial Zones (and Industrial Activities Areas within Structure Plans).</p> <p>30.4.2.4.2 Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places.</p> <p>30.4.2.4.3 Biomass Electricity Generation plant and equipment shall be located inside a Building.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Air</p>	
30.4.2.5	<p>Buildings for renewable energy activities</p> <p>Any building housing plant and electrical equipment associated with Renewable Electricity Generation activities, unless permitted in the zone in which it located or approved by resource consent, shall:</p> <p>30.4.2.5.1 Not exceed 10m<sup>2</sup> in area and 2.5m in height.</p> <p>30.4.2.5.2 Be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>30.4.2.5.3 Be finished in recessive colours, consistent with the building it is servicing on site.</p>	D

30.4.3	Non-Renewable Energy Activities	Activity Status
30.4.3.1	<p>Non-renewable Electricity Generation where either:</p> <p>a. the generation only supplies activities on the site on which it is located and involves either:</p> <ul style="list-style-type: none"> <li>i. standby generators associated with community, health care, and utility activities; or</li> <li>ii. generators that are part of a Stand-Alone Power System on sites that do not have connection to the local distributed electricity network.</li> </ul> <p>OR</p> <p>b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year.</p>	P

	Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).	
30.4.3.2	Non-Renewable Energy Activities which are not otherwise specified.	NC

### 30.5 Utility Rules

30.5.1	General Utility Activities	Activity Status
30.5.1.1	<p>Buildings associated with a Utility</p> <p>Any building or cabinet or structure of 10m<sup>2</sup> or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.15.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> <li>masts for navigation or meteorology</li> <li>poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication</li> <li>lines and support structures.</li> </ol>	P
30.5.1.2	Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works.	P
30.5.1.3	Underground pipes and incidental structures and equipment for transmitting and distributing gas.	P
30.5.1.4	Underground pipes and incidental structures and equipment for the supply and drainage of water or wastewater.	P
30.5.1.5	Water and irrigation races, drains, channels and underground pipes for water and irrigation, other than those activities restricted by Rule 30.5.1.4.	P
30.5.1.6	Structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards.	P
30.5.1.7	Maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.	P
30.5.1.8	Underground pipes and incidental structures and equipment for the conveyance of stormwater.	P
30.5.1.9	Water, wastewater and stormwater pump stations.	P

30.5.1	General Utility Activities	Activity Status
30.5.1.10	<p>Stormwater detention/retention ponds or stormwater wetlands, other than those activities restricted by Rule 30.5.1.13.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. effects on the use of open space;</li> <li>b. provision of safe access for maintenance;</li> <li>c. effects on health and safety;</li> <li>d. landscaping.</li> </ul>	C
30.5.1.11	<p>Buildings (associated with a Utility)</p> <p>The addition, alteration or construction of buildings greater than 10m<sup>2</sup> in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.15.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts or poles for navigation or meteorology;</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication;</li> <li>c. line and support structures.</li> </ul> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. location;</li> <li>b. external appearance and visual effects;</li> <li>c. associated earthworks;</li> <li>d. parking and access;</li> <li>e. landscaping.</li> </ul>	C
30.5.1.12	<p>Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater, stormwater and gas.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. functional needs of the utilities;</li> <li>b. visual effects;</li> <li>c. location, limited to the operation and function of the site, existing activities and effects on amenity values;</li> <li>d. odour effects.</li> </ul>	RD

30.5.1	General Utility Activities	Activity Status
30.5.1.13	<p>Water and irrigation races, drains, channels, stormwater detention/retention ponds or stormwater wetlands within the Airport Approach and Protection Measures at Queenstown and Wanaka Airports, as identified in Figures 1 and Figures 3 in Section 30.7 below.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Bird strike effects on aircraft operations at Queenstown or Wanaka Airports.</li> </ul>	RD
30.5.1.14	Structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for in Rule 30.5.1.7.	D
30.5.1.15	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings in:</p> <ul style="list-style-type: none"> <li>a. any Significant Natural Areas;</li> <li>b. the Arrowtown Residential Historic Management Zone.</li> </ul> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts or poles for navigation or meteorology;</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>c. lines and support structures.</li> </ul>	D
30.5.1.16	Flood Protection Works not otherwise provided for in Rule 30. 5.1.2	D
30.5.1.17	Waste Management Facilities	D
30.5.1.18	Water and Wastewater Treatment Facilities	D
30.5.1.19	<p>Utilities and Buildings (associated with a Utility) which are not:</p> <p>30.5.1.19.1 provided for in any National Environmental Standard;</p> <p>OR</p> <p>30.5.19.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.18, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13.</p>	D



30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	<p>Setback from internal boundaries and road boundaries</p> <p>Where the utility is a building, it must be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>b. lines and support structures for telecommunications.</li> </ul>	D
30.5.2.2	<p>Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p>Any building within an ONL or ONF must be less than 10m<sup>2</sup> in area and less than 3m in height.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts or poles for navigation or meteorology;</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>c. lines and support structures.</li> </ul>	D
30.5.2.3	<p>Height</p> <p>All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts or poles for navigation or meteorology;</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>c. lines and support structures.</li> </ul>	D

30.5.3	National Grid Activities	Non-compliance Status
30.5.3.1	Minor Upgrading	P

30.5.3	National Grid Activities	Non-compliance Status
30.5.3.2	Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor  Subject to compliance with Rules 30.5.4.1 and 30.5.4.2.	P
30.5.3.3	Earthworks within the National Grid Yard  Subject to compliance with Rule 30.5.4.2	P
30.5.3.4	Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation  Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.  Control is reserved to:  a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the ongoing operation, maintenance upgrading and development of the substation;  b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and  c. measures proposed to avoid or mitigate potential adverse effects.	C
30.5.3.5	Erecting any lines, lattice towers or support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones.	D

30.5.4	National Grid Standards	Non-compliance Status
30.5.4.1	Buildings and Structures permitted within the National Grid Yard  30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.  30.5.4.1.2 Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.  30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m <sup>2</sup> in floor area and is more than 12m from a National Grid Support Structure.	NC

30.5.4	National Grid Standards	Non-compliance Status
	<p>30.5.4.1.4 Any non-habitable building or structure used for agricultural activities provided that they are:</p> <ul style="list-style-type: none"> <li>a. less than 2.5m high;</li> <li>b. located at least 12m from a National Grid Support Structure;</li> <li>c. not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.</li> </ul> <p>30.5.4.1.5 Alterations to existing buildings that do not alter the building envelope.</p> <p>30.5.4.1.6 An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	
30.5.4.2	<p>Earthworks permitted within the National Grid Yard</p> <p>30.5.4.2.1 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.</p> <p>30.5.4.2.2 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 3 metres.</p> <p>30.5.4.2.3 Earthworks must not create an unstable batter that will affect a transmission support structure.</p> <p>30.5.4.2.4 Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by the NZECP 34:2001.</p> <p>The following earthworks are exempt from the rules above:</p> <p>30.5.4.2.5 Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.</p> <p>30.5.4.2.6 Earthworks undertaken as part of agricultural activities or domestic gardening.</p> <p>30.5.4.2.7 Repair sealing, resealing of an existing road, footpath, farm track or driveway.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC

30.5.5	Electricity Distribution Activities	Non-compliance Status
30.5.5.1	Minor Upgrading	P
30.5.5.2	<p>Lines and Supporting Structures</p> <p>The placement and upgrading of lines, poles and supporting structures within formed legal road.</p>	P
30.5.5.3	<p>Underground Electricity Cables</p> <p>The placement of underground electricity distribution cables provided the ground surface is reinstated to the state it was prior to works commencing.</p>	P
30.5.5.4	<p>Lines and Supporting Structures</p> <p>Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity (at a voltage of equal to or less than 100kV at a capacity equal to or less than 100MV).</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. location;</li> <li>b. route;</li> <li>c. height;</li> <li>d. appearance, scale and visual effects.</li> </ul>	C
30.5.5.5	<p>Lines and Supporting Structures</p> <p>Any line or support structure where it involves erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA) in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.</p>	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.1	Minor Upgrading	P
30.5.6.2	<p>New Aerial Lines and Supporting Structures within formed road reserve; or</p> <p>New aerial telecommunication line/s on existing telecommunication or power structures including when located in sensitive environments identified in Rule 30.5.6.5.</p>	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.3	The construction, alteration, or addition to underground lines providing the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.6.4	<p>New Aerial Lines and Supporting Structures (outside formed road reserve)</p> <p>Not located in any of the sensitive environments identified by Rule 30.5.6.5</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. location;</li> <li>b. route;</li> <li>c. appearance, scale and visual effects.</li> </ul>	C
30.5.6.5	<p>New Aerial Lines and Supporting Structures</p> <p>Any line or support structure within any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.</p>	D
30.5.6.6	<p>Poles</p> <p>With a maximum height no greater than:</p> <ul style="list-style-type: none"> <li>a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones;</li> <li>b. 25m in the Rural Zone;</li> <li>c. 15m in the Business Mixed Use Zone (Queenstown);</li> <li>d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones;</li> <li>e. 11m in any other zone; and</li> <li>f. 8m in any identified Outstanding Natural Landscape.</li> </ul> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.</p>	P
30.5.6.7	<p>Poles</p> <p>Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in</p> <ul style="list-style-type: none"> <li>a. any identified Outstanding Natural Feature;</li> <li>b. the Arrowtown Residential Historic Management Zone;</li> </ul>	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
	<ul style="list-style-type: none"> <li>c. Arrowtown Town Centre;</li> <li>d. Queenstown Special Character Area;</li> <li>e. Significant Natural Area;</li> <li>f. Sites containing a Heritage Feature; and</li> <li>g. Heritage Overlay Areas.</li> </ul>	
30.5.6.8	<p>Antennas and ancillary equipment</p> <p>Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum surface area is no greater than 1.5m<sup>2</sup> and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	P
30.5.6.9	<p>Antennas and ancillary equipment</p> <p>Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m<sup>2</sup> and 4m<sup>2</sup> and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>a. location;</li> <li>b. appearance, colour and visual effects</li> </ul>	C
30.5.6.10	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> <li>a. any identified Outstanding Natural Feature;</li> <li>b. the Arrowtown Residential Historic Management Zone;</li> <li>c. Arrowtown Town Centre;</li> <li>d. Queenstown Special Character Area;</li> <li>e. Significant Natural Areas; and</li> <li>f. Heritage, Features and Heritage Overlay Areas.</li> </ul>	D
30.5.6.11	<p>Small Cell Units</p> <p>Provided that the small cell unit is not located within a Heritage Precinct.</p>	P
30.5.6.12	Microcells	C

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
	<p>A microcell and associated antennas, with a volume of between 0.11m<sup>3</sup> and 2.5m<sup>3</sup> provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. appearance;</li> <li>b. colour; and</li> <li>c. visual effects.</li> </ul>	
30.5.6.13	<p>Small Cell Units and Microcells</p> <p>30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m<sup>3</sup>.</p> <p>OR</p> <p>30.5.6.13.2 A small cell unit located within a Heritage Precinct.</p>	D

## 30.6 Rules - Non-Notification of Applications

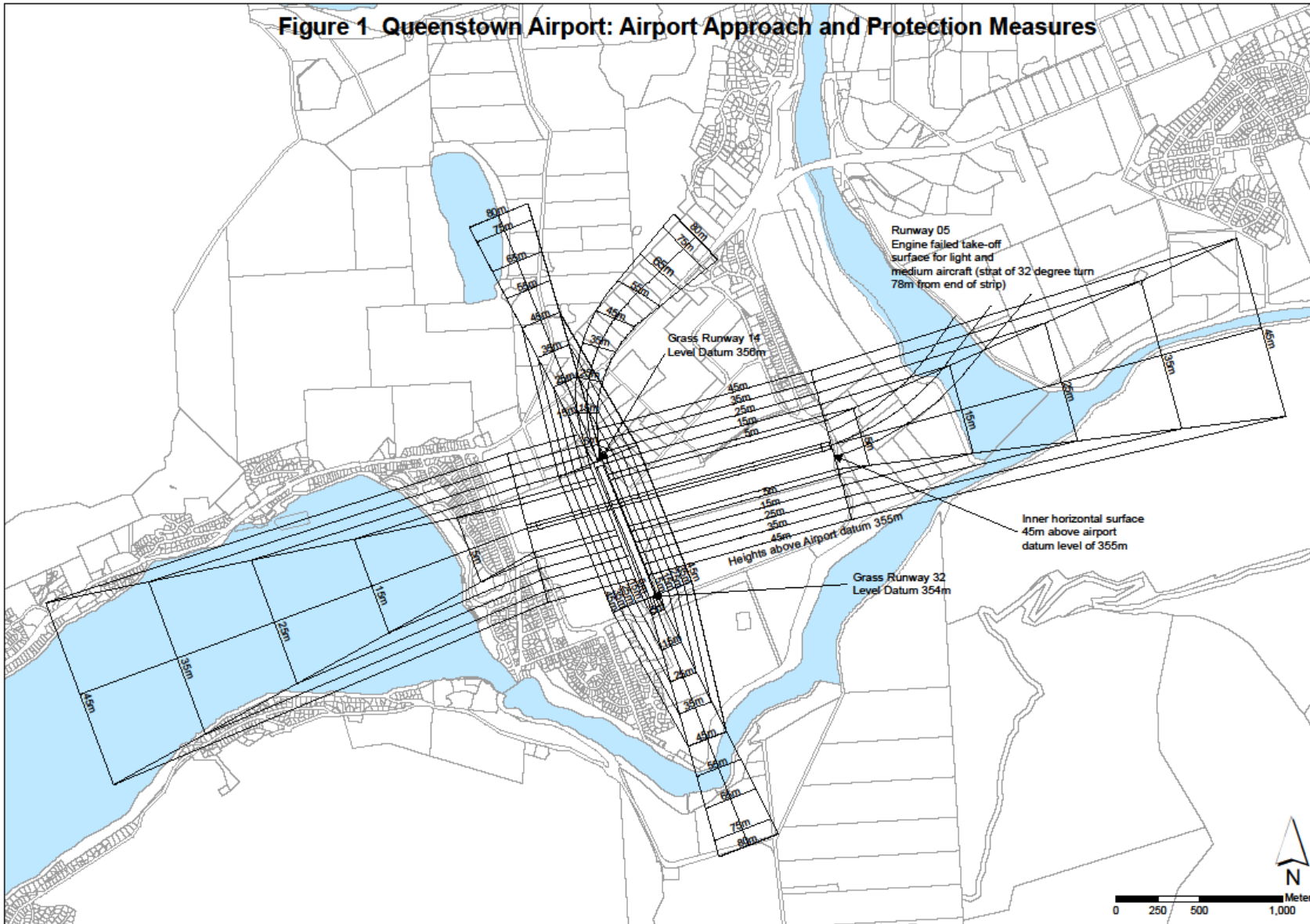
**30.6.1 Any application for resource consent for the following matters does not require the written approval of other persons and will not be notified or limited-notified:**

30.6.1.1 Controlled activities except for applications when within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.

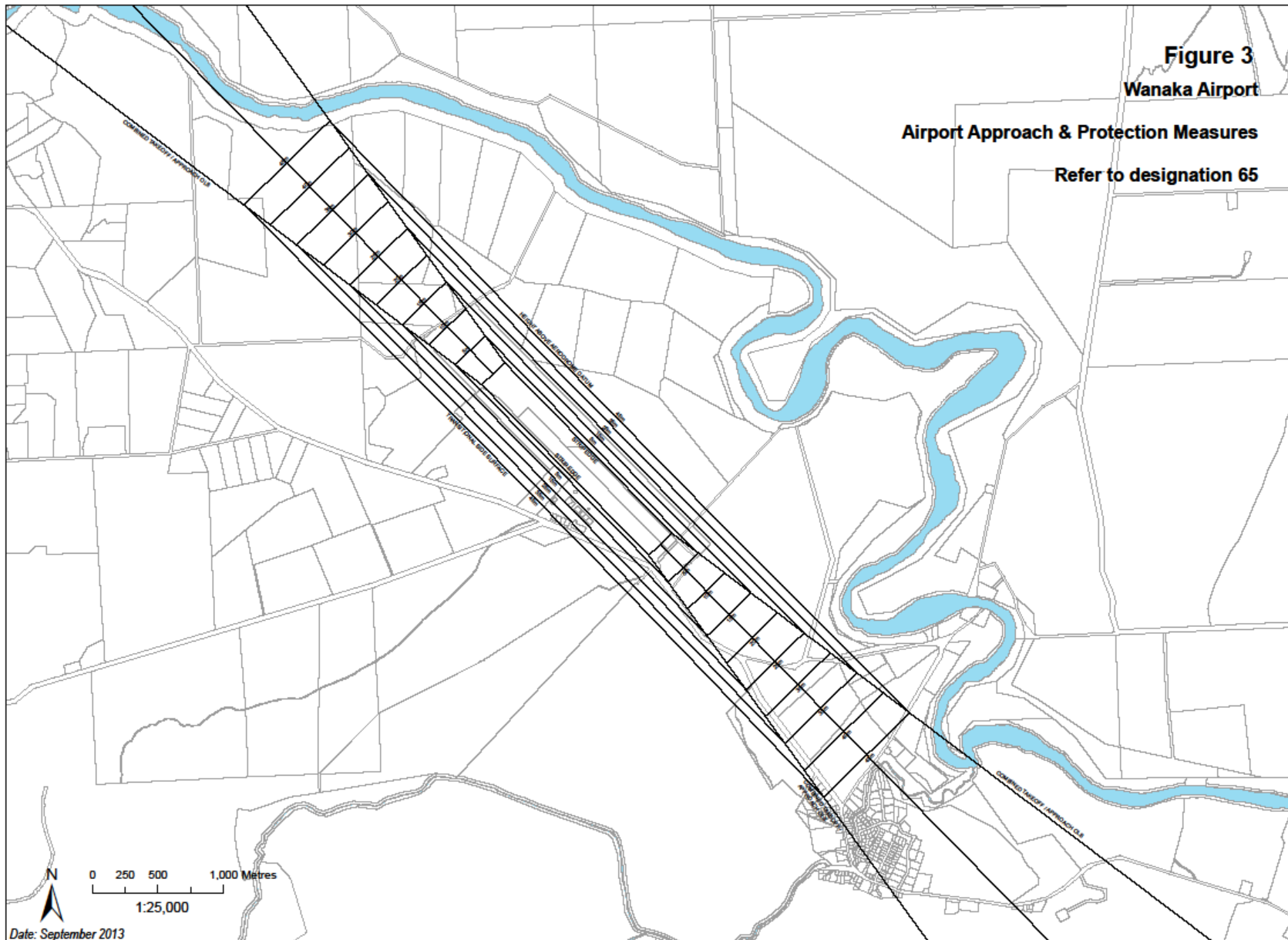
30.6.1.2 Discretionary activities for Flood Protection Works.

## 30.7 Queenstown Airport and Wanaka Airport Figures

Approach and Protection Measures for the purpose of Rule 30.5.1.13 only.







# **QUEENSTOWN LAKES DISTRICT COUNCIL**

**Hearing of Submissions on Stage 3 Proposed District Plan Provisions**

**Report and Recommendations of Independent Commissioners Regarding  
Variation to Chapter 30 – Energy and Utilities**

**Commissioners**

**Trevor Robinson (Chair)**

**Sarah Dawson**

**Greg Hill**

**Calum Macleod**

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## 1. PRELIMINARY

### 1.1 Terminology in this Report

1. Throughout this Report, we use the following abbreviations:

Aurora	Aurora Energy Limited
Chapter 30 Variation	The variation to Chapter 30 of the PDP notified on 19 September 2019, including proposed related variations to Chapter 2 of the PDP.
Council	Queenstown Lakes District Council
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this Report.
Oil Companies	Z Energy Limited: BP Oil NZ Limited and Mobil Oil NZ Limited
ORC	Otago Regional Council
PDP	The series of Plan Changes to the ODP notified in stages commencing 26 August 2015 and in relation to Chapter 30, means the decisions version of Council dated 3 May 2018 unless otherwise stated.
QAC	Queenstown Airport Corporation
RMA	Resource Management Act 1991 as at 19 September 2019
RPS	The partially operative Regional Policy Statement for the Otago Region dated 14 January 2019 unless otherwise stated
Stage 3	The most recent set of Plan Changes (and Plan Variations) to the ODP notified on 19 September and 31 October 2019

### 1.2 Early Release of Recommendations

2. The Hearing Panel has generally approached the release of its recommendations to the Council on the basis that the inter-related nature of the provisions notified in Stage 3 and the zonings

applied to land arising from those provisions means that all of our recommendations should be provided to the Council at one time.

3. In the case of the variation to Chapter 30, however, the Council requested that we consider releasing our recommendations in advance of our recommendations on the balance of Stage 3 provisions in order to assist the recovery of the District from Covid related disruptions.
4. Having reviewed the submissions, we have identified that the Chapter 30 variation is relatively discrete, with a limited number of submitters seeking changes to the proposed text. To the extent that one submitter (Aurora<sup>1</sup>) sought changes that were linked to its submissions on other parts of Stage 3, that submission was not pursued when the Aurora's representatives appeared before us.
5. Consistent with the constrained scope of our hearing on the Chapter 30 variations, the only evidence we heard supported the Council officer's recommendations and counsel for the Council advised us that the Council would not be replying on any issue related to Chapter 30.
6. On that basis, we have formed the view that the public interest will be better served by our releasing our recommendations on this aspect of Stage 3 at this stage.

### 1.3 Hearing Arrangements

7. The hearings on the variations to Chapter 30 were held as part of the broader Stage 3 hearings that commenced on 29 June 2020 (in Queenstown) and concluded on 13 August 2020 (in Wanaka).
8. The parties we heard from on the variations to Chapter 30 were as follows:

#### **Queenstown-Lakes District Council**

- Sarah Scott (Counsel)
- Craig Barr

#### **ORC<sup>2</sup>**

- Andrew Maclennan
- Dr Ben Mackey

9. In addition, QAC<sup>3</sup> pre-circulated corporate evidence (of Melissa Brook) but made no arrangements for its witness to appear at the hearing. We have treated Ms Brook's evidence as 'tabled'. The weight we can therefore give it is somewhat reduced.
10. We record that Ben Farrell gave planning evidence for Wayfare Group Limited<sup>4</sup>, but that evidence did not address any of that submitter's points regarding the Chapter 30 Variation. Similarly, Ainsley MacLeod presented planning evidence on behalf of Transpower New Zealand

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<sup>1</sup> Submission 3153

<sup>2</sup> Submission 3342

<sup>3</sup> Submission 3316

<sup>4</sup> Submission 3343

Limited<sup>5</sup>, accompanied by Andrew Renton, but that evidence did not address that submitter's submissions on the Chapter 30 Variation (that supported the text as notified). Lastly, while Aurora appeared represented by counsel (Simon Peirce) and by its planning witness, Joanne Dowd, Mr Peirce advised us that the submitter had refined its relief sought in relation to the Wāhi Tūpuna provisions of the PDP. It did not therefore pursue its alternative relief in respect of Chapter 30.

## 2. STATUTORY CONSIDERATIONS

11. The version of the RMA that we need to apply is that in place at the point of notification of the Chapter 30 Variation (19 September 2019). It therefore reflects the amendments to the RMA made by the Resource Legislation Amendment Act 2017.
12. Consistent with that position, as part of her opening legal submissions for the Council, Ms Scott provided us with an outline of the legal tests that we need to apply when arriving at our recommendations, based on the Environment Court's decision in *Colonial Vineyard Limited v Marlborough District Council*<sup>6</sup>. No party suggested a materially different approach and, accordingly, we adopt Ms Scott's submissions in this regard.
13. No party pointed out to us any National Policy Statement, National Environmental Standard or other regulation of relevance to the Chapter 30 Variation. However, the RPS provides higher order guidance (in Policy 4.3.2) as to what is "*regionally significant infrastructure*" in the Otago Region. This is relevant because one of the purposes of the Chapter 30 Variation is to incorporate in the definition of "*regionally significant infrastructure*" in Chapter 2 of the PDP a reference to "*municipal infrastructure*" as now provided for (following the resolution of appeals on the RPS) in that policy, together with an additional definition of what "*municipal infrastructure*" includes.
14. The RPS also provides both an objective (4.1) and a series of policies relating to natural hazard risk and its management. Giving evidence for the Council, Mr Barr highlighted to us Policies 4.1.1 Identifying Natural Hazards; 4.1.2 Natural Hazard Consequence; Policy 4.1.4 Assessing Activities for Natural Hazard Risk; Policy 4.1.5 Natural Hazard Risk; Policy 4.1.6 Minimising Increase in Natural Hazard Risk; and Policy 4.1.10 Mitigating Natural Hazards.
15. Consideration of the application of the tests identified by Ms Scott occurs in the context of the broader PDP process which the Council is engaged on. In summary, a series of plan changes to the ODP have been initiated, including substitution of a new Chapter 30 – Energy and Utilities. Relevantly, Chapter 30 was the subject of Council decisions on 3 September 2018, that were in turn the subject of a number of appeals to the Environment Court. Mr Barr advised us that Council had deliberately avoided any variation of a Chapter 30 provision that was the subject of appeal. The Environment Court was in the process of resolving the appeals on Chapter 30 in parallel with our hearing and we were provided with a Consent Memorandum dated 23 September 2019 that had been filed with the Environment Court. Our understanding is that the Court has not issued orders confirming changes to Chapter 30 in terms of that memorandum.

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<sup>5</sup> Submission 3080

<sup>6</sup> [2014] NZEnvC 55

16. While relatively discrete, Chapter 30 does not sit in a vacuum. The structure of the Plan Changes making up the PDP to date is that some chapters (Chapters 3-6) have been inserted into the ODP that provide strategic direction on the entire range of district planning issues. Although, with one exception, appeals on those strategic chapters have not yet been finally resolved, the interim decisions of the Environment Court<sup>7</sup> provide clear direction on the likely shape those provisions will take following final resolution of the appeals on them. Accordingly, Mr Barr was able to table a marked-up version of Chapter 3 that Ms Scott advised us is effectively beyond challenge (except where noted thereon).
17. We observe that the revised Chapter 3 provides clearer guidance than did the Council decisions version on the role of the strategic objectives and policies in Chapter 3 in relation to plan development; specifically that they provide direction for the development of the more detailed provisions elsewhere in the District Plan in relation to the Strategic Issues (which are identified in Chapter 3). Chapter 3 has a different role in relation to plan implementation, but since we are engaged in the plan development phase, we can pass over the differences.
18. We have approached our duties under Section 32AA of the RMA on the basis that, as per subsection 1, a further evaluation *“(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed...”* and *“(c) must... be undertaken at a level of detail that corresponds to the scale and significance of the changes”*.
19. Section 32AA(1)(d) effectively gives us the option to prepare a separate evaluation report for any changes we recommend to the notified variations, or to embed our further evaluation in our report. We adopt the latter approach.

### 3. SPECIFIC PROVISIONS

20. Mr Barr adopted a thematic approach when reviewing submissions on the proposed variations. We do the same.
- 3.1 Purpose Statement
    21. The notified variations included an additional paragraph to be added in the Purpose Statement in Chapter 30 describing the role of utilities in protecting the community from natural hazards.
    22. Wayfare Group Limited made a submission that references to *“the community”* include individual people and property. Mr Barr interpreted that submission as relating to the first sentence of the addition to the Purpose Statement. While Mr Barr concurred with the underlying thinking (that references to the community in this context, and elsewhere in Chapter 30, are not limited to the community as a whole) he was concerned that the amendments sought might suggest that an individual will necessarily be able to utilise the utility provisions. He did not recommend a change to the text in response to the submission.

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<sup>7</sup> *Darby Planning Limited Partnership and Others v QLDC* [2019] NZEnvC 133 and [2020] NZEnvC 40 in particular

23. As above, Wayfare Group Limited did not provide evidence in support of its submission.
24. We agree with Mr Barr's reasoning, essentially for the reasons set out in his Section 42A Report, and therefore do not recommend any further change.
- 3.2 Objectives and Policies
25. Proposed Objective 30.2.9 reads:
- "Natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community are enabled in a manner that minimises adverse effects on the environment."*
26. Mr Barr identifies only submissions in support of this objective. We need therefore consider it no further.
27. Notified new Policies 30.2.9.1 and 30.2.9.2 are likewise only the subject of submissions in support, and so again, we need consider them no further.
28. Notified Policy 30.2.9.3 reads:
- "Minimise the displacement of natural hazard risk off-site".*
29. Mr Barr notes this policy has been the subject of two submissions. First the Oil Companies seek that the policy be amended so that it is specific to displacement of natural hazard risk *"that results from natural hazard mitigation structures and works"*.
30. Secondly, ORC generally supports the policy but seeks clarification as to whether it relates to undertaking natural hazard mitigation, or whether it relates to all activities. It suggests an amendment that would focus the policy clearly on the former.
31. Mr Barr agreed that there was merit in providing clarification and suggested a slightly different phrasing that in his view achieved the intent of both submissions, as follows:
- "Minimise the displacement of natural hazard risk off-site that may result from natural hazard mitigation structures and works."*
32. When Mr MacLennan gave evidence for ORC, he confirmed his agreement with Mr Barr's recommended rewording.
33. We agree with the thinking underlying Mr Barr's suggested amendment, that the policy should not assume that all natural hazard mitigation structures and works would involve displacement of risk off-site. We think that this intent might be further clarified (and consequently more appropriately give effect to the objective) with a minor additional amendment as follows:



*“Minimise any displacement of natural hazard risk off-site that may result from natural hazard mitigation structures and works”.*

34. Notified Policy 30.2.9.4 read:

*“Encourage natural hazard mitigation structures and works that result in no or low residual risk from natural hazard.”*

35. ORC sought that this policy be amended to provide more certainty as to the outcome sought. The submission was non-specific as to what aspect was considered unclear. However, in his evidence for ORC, Mr Maclennan suggested that reference to works resulting in no residual natural hazard risk be deleted since such an outcome is impossible to achieve in practice; in other words, there will always be a residual risk, however small.

36. In his rebuttal evidence Mr Barr agreed with the suggested wording, as do we, for essentially the same reasons.

37. It follows that we recommend Policy 30.2.9.4 be amended to read:

*“Encourage natural hazard mitigation structures and works that result in low residual risk from natural hazards.”*

38. ORC also sought that both Policies 30.2.9.3 and 4 be relocated to Chapter 28. Mr Barr observed that at the point in time when these variations were prepared and notified, the entirety of Chapter 28 was before the Environment Court awaiting consent orders. Council did not wish to delay finalisation of Chapter 28 by notifying variations to it. Mr Barr also queried jurisdiction to shift policies into another chapter.

39. Since then, the Environment Court has issued consent orders on Chapter 28 and so Mr Barr’s first point of concern falls away. We agree with Mr Barr, however, that shifting these policies into Chapter 28 is potentially problematic, but for a different reason. Located in Chapter 30, these two policies assist in achieving the new objective and shifting them out of Chapter 30 would leave something of a hole in the policy response to that objective. It would also potentially broaden their effect, since they would apply to private works if located in Chapter 28, and we had no evidence as to their consistency with the existing objectives and policies in Chapter 28, if read in that way.

40. ORC did not pursue this particular submission in its evidence and, accordingly, we agree with Mr Barr’s recommendation that the two policies should remain in Chapter 30.

41. Mr Barr notes only a submission (from ORC) in support of Policy 30.2.9.5 and accordingly, we do not need to consider it further.

### 3.3 Other Chapter 30 Provisions and Rules

42. Mr Barr’s Section 42A Report grouped the variation to Rules 30.3.3.1, 30.3.3.3, 30.3.3.4 and 30.3.3.5. He noted Aurora as having submitted, in the alternative, that reference to Chapter 39 (Wāhi Tūpuna) be removed from Rule 30.3.3.3 if its submissions on Chapter 39 were not accepted.

43. The effect of deleting the suggested cross reference is that the rules in Chapter 30 would prevail over any rules in Chapter 39 unless specifically stated otherwise. Mr Barr considered that this was a matter more properly considered in the context of Chapter 39, as do we.
44. In the event, however, we did not have to consider Aurora's submission further because, when it appeared at the hearing, counsel for the submitter (Mr Peirce) advised that the submitter had refined its relief and as a consequence, Mr Peirce did not address this alternative submission further.
45. We observe that a number of submissions that will be considered by the Stream 16 Hearing Panel have sought that Chapter 39 be deleted. The Stream 16 Panel will consider those submissions and make recommendations to Council in due course. We do not consider that we need await finalisation of the Stream 16 recommendations as a result. If the Stream 16 Hearing Panel recommends, and Council accepts, that Chapter 39 should be deleted, Rule 30.3.3.3(g) would simply be deprived of practical effect, rather than having any unintended consequence.
46. QAC sought that Rule 30.3.3.5 be amended to include specific reference to "*airport related activities*", in addition to "*airport activities*" so that the Rule would state specifically that Chapter 30 does not apply to either set of activities. As Mr Barr notes, both "*airport activity*" and "*airport related activity*" are defined terms. Unsurprisingly, airport related activities encompass a wider range of activities and services that provide "*support*" to an airport. Ms Brook's tabled evidence for QAC explains that the intention underlying the submission is to address the potential duplication of controls related to airport related activities, which form part of the wider ambit of the airport network utility operation, and are therefore also (she suggests) utilities. She records QACs view that it is nether inefficient nor an effective means to achieve the purpose of the Act if such activities are controlled under both chapters of the PDP.
47. By contrast, Mr Barr was of the view that "*airport related activities*" as defined are not utilities, and therefore should not engage with Chapter 30. Mr Barr also noted that some of the specific items identified in the definition of "*airport related activity*" could be read either narrowly or broadly, with the result that they may or may not fall within the scope of the definition of "*airport*".
48. The practical consequence of excluding "*airport related activities*" is that within the Queenstown Airport Zone, such activities are permitted subject only to performance standards related to the buildings within which they occur, landscaping and glare. There is a more extensive range of controls on airport related activities within the Wanaka Airport Zone.
49. In our view, the definition of "*airport related activity*" is very broad. We agree with Mr Barr that some specific aspects of the definition would or could fall outside the PDP definition of "*utility*". To the extent that airport related activities are utilities, they are also not necessarily undertaken by the Airport Authority so as to suggest they should fall outside the scope of Chapter 30.

50. In summary, while we consider that Ms Brook has a point, we think that to entirely exempt airport related activities from the ambit of Chapter 30, as QAC suggests, would have potentially unforeseen outcomes and that while involving some potential inefficiencies, a greater level of control is a more appropriate way in which to give effect to Objective 30.2.9.
51. Mr Barr notes that QAC's submission also seeks deletion of the first sentence of Rule 30.3.3.5 ("*airports and approach controlled services are defined as utilities*"). As he notes, QAC's submission does not explain why it seeks this relief. Ms Brook likewise, does not address it in her tabled evidence. On the face of the matter, this sentence serves as an introduction to the operative provisions that follow, rather than having substantive effect in its own right. In the absence of a clear rationale, we see no reason to recommend that it be deleted.
52. In summary, therefore, we do not recommend any amendments to the notified versions of Rules 30.3.3.1, 30.3.3.3-30.3.3.5 other than renumbering to better fit within the existing numbering system of Chapter 30.

#### 3.4 Utility Rules

53. The variation proposed seven new permitted activity rules (30.5.1.3-9 inclusive), a new controlled activity rule (30.5.1.10), a new restricted discretionary rule (30.5.1.12) and a new full discretionary rule (30.5.1.13) collectively providing for a range of general utility activities.
54. Mr Barr noted an internal numbering problem in that notified Rule 30.5.1.13 cross refers Rule 30.5.1(e), which does not exist. He identified the resulting confusion as a possible reason for ORC's submission seeking that natural hazard mitigation works be a permitted activity. This raises a broader numbering issue that we will return to. However, we agree that clearly the mismatch in numbering needs to be addressed. Mr Maclennan confirmed for ORC that that would address ORC's submission point.
55. More substantively, Wayfare Group Limited submitted that it was unclear whether underground cabling for transmission and distribution of telecommunications is permitted and that that should be made clear.
56. Mr Barr explained his reasoning as to why underground telecommunication lines related to natural hazard monitoring or natural hazard mitigation is provided for already in the notified rules. We agree with that analysis. To the extent that Wayfare Group Limited's submission relates to telecommunication lines more generally, we think that there are jurisdictional issues expanding the scope of the rules in the manner suggested. We also consider that there is an overlap with the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016, that provides for underground telecommunication lines as a permitted activity<sup>8</sup>, subject to specified standards<sup>9</sup>. In the absence of evidence from Wayfare Group Limited explaining the inter-relationship between the rule it proposes and the regulations, we do not recommend additional rules related to underground telecommunication lines.

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<sup>8</sup> Regulation 43

<sup>9</sup> Regulations 44-51

57. Mr Barr noted that Wayfare Group Limited's submission also seeks that structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards are permitted and that Rule 30.5.1.3 is amended from full discretionary activity status to controlled or restricted discretionary status. ORC makes a similar submission that Rule 30.5.1.13 should be a restricted discretionary activity. ORC's submission suggests matters of discretion that would fit within such a rule.
58. Mr Barr notes that proposed Rule 30.5.1.7 already permits maintenance, repair or replacement of existing structures etc for natural hazard mitigation whereas new works fall within Rule 30.5.1.13. We agree with Mr Barr's analysis, suggesting that either permitted or controlled activity status would be inappropriate for new natural hazard mitigation works because of the policy direction qualifying the extent to which such works are enabled.
59. As regards the potential that new works might be restricted discretionary activities, the Wayfare Group Limited submission did not suggest what matters of discretion would apply to such a rule. While ORC did provide more detail with its submission, Mr Barr considered that the suggested matters would not cover the range of issues and matters that would likely need to be addressed and Mr Maclennan, giving evidence for ORC both agreed with that view and supported Mr Barr's recommendation that the activity status remain discretionary.
60. We observe also that restricted discretionary status on the basis set out in ORC's submission might be considered inconsistent with RPS Policy 4.1.10 that provides for hard protection structures only when a list of specified criteria apply.
61. In the absence of evidence from Wayfare Group Limited to support its submission, we agree with Mr Barr's recommendation and do not recommend any substantive change to Rule 30.5.1.13.
62. QAC's submission expressed concern about the potential for establishment of artificial water bodies in the vicinity of Queenstown or Wanaka Airports to attract birds which may, in turn, pose a potential safety risk to Airport operations. It sought that notified permitted activity Rule 30.5.1.5 be amended and a new restricted discretionary rule be added governing "*water and irrigation races, drains and channels beneath the Aircraft Approach and Land Use Controls Designation at the Queenstown or Wanaka Airports*". The submission proposed that the sole matter of discretion would be adverse effects on aircraft operations.
63. QAC also sought that Rule 30.5.1.10 (providing for stormwater detention/retention ponds or stormwater wetlands) be amended to be a restricted discretionary activity, rather than controlled and that adverse effects on aircraft operations at Queenstown or Wanaka Airport be added to the matters of discretion.
64. Mr Barr considered QAC had identified a valid issue, but drew our attention to the fact that the requested relief in relation to Rule 30.5.1.10 would make every stormwater detention and retention pond or stormwater wetland a restricted discretionary activity throughout the district, when the rationale for the activity having that status relates to potential effects on aircraft operations at Queenstown and Wanaka Airports; by definition, quite a small subset of the district. Put in Section 32 terms, the increased transaction costs are not justified. Mr Barr also noted that in the context of urban areas where these facilities are likely to be established in conjunction with subdivision use and development, a restricted discretionary activity status

may be too onerous, particularly where the associated subdivision is being undertaken in compliance with a structure plan as a controlled activity.

65. We agree with Mr Barr's concerns in this regard.
66. Mr Barr suggested that his concern might be overcome if the same approach were taken to stormwater detention/retention ponds and stormwater wetlands as to the activities covered by Rule 30.5.1.5, namely that within a limited area around each Airport the activities might have restricted discretionary activity status.
67. That then raises the question about how the relevant area might be identified. QAC's submission refers to the "*Aircraft Approach and Land Use Controls Designation*". There are two relevant designations and as Mr Barr noted, each designation is accompanied by two maps applying over different areas. Taking Queenstown as the example, Figure 1 relates to the Airport Approach and Protection Measure Area. Figure 2 provides for a larger area identified as the Airport Protection Inner Horizontal and Conical Surfaces Area. Figures 3 and 4 provide comparable maps for Wanaka Airport and environs. Mr Barr made it clear that he was not expressing any expertise with regard to Airport Aircraft Approach and Protection Measures associated with bird strike. Understandably, therefore, he recommended that Figures 1 and 3, as above, be used, effectively inviting QAC to justify its position, if it sought that the areal scope of a restricted discretionary rule be a larger area.
68. Lastly, Mr Barr recommended that rather than cross referencing the figures in the QAC Designations, the actual figures should be inserted into the chapter, to guard against the effect of the rule being changed, should the designations be altered in the future.
69. In the event, Ms Brook's evidence for QAC did no more than submit that Figures 2 and 4 in the relevant designations be utilised, without further explanation. Although Ms Brook is a qualified planner, she did not purport to give expert planning evidence and, even if she had, that would have put her in no better position to advise us in relation to the appropriate area to control for this purpose than Mr Barr.
70. Mr Barr expressed to us some surprise that QAC had not responded rather more constructively to his open invitation to provide more information. We share that surprise. Given that Ms Brook did not appear for us to discuss the matter with her, we find that we can put little weight on her evidence in this regard.
71. Having said that, Ms Brook's evidence is helpful in at least one respect; it confirms QAC's agreement that a district-wide amendment to Rule 30.5.1.10 is not justified.
72. In summary, we agree with Mr Barr's recommendation that a new restricted discretionary rule be inserted governing the activities otherwise authorised by Rules 30.5.1.5 and 30.5.1.10 referenced to Figures 1 and 3 extracted from Designations 4 and 65 respectively, and with discretion restricted to bird strike effects on aircraft operations at one or other of Queenstown or Wanaka Airport.

73. In our recommended version of the Chapter 30 Variation attached, we have amended Mr Barr's wording slightly to reflect the fact that we have inserted the actual figures in Chapter 30.

74. Mr Barr did not consider an internal cross reference is required between the various rules to make it clear that the more restrictive rule applies, when applicable, as QAC had sought. While we tend to agree that the intention is clear (and section 30.3.3.3 states that is the case for permitted activities), other rules in Chapter 30 have such internal cross references. Accordingly, we have inserted consequential amendments to put the matter beyond doubt.

### 3.5 Definitions

75. As above, the relevant variation is to insert a new item of regionally significant infrastructure into the definition of that term (municipal infrastructure) along with a further definition of "municipal *infrastructure*".

76. Mr Barr notes a submission of the Oil Companies requesting that the definition of "regionally significant *infrastructure*" be amended so that it is consistent with the de-facto definition provided in Policy 4.3.2 of the RPS. Given that RPS Policy 4.3.2 identifies "municipal *infrastructure*" as being of national and regional significance we agree with Mr Barr that it is at least questionable whether there is jurisdiction to add any additional matters to the existing definition in Chapter 2: refer the leading authority in the High Court in *Palmerston North City Council v Motor Machinists Limited*<sup>10</sup>.

77. In any event, we do not understand what benefit reproducing Policy 4.3.2 of the RPS would serve. As Mr Barr observed, revision of that definition is already proposed as part of resolution of appeals on Stage 1 of the PDP to incorporate reference to electricity sub-transmission infrastructure and significant electricity distribution infrastructure.

78. The only other areas in which the PDP definition differs materially from that in Policy 4.3.2 of the RPS is that the latter refers to ports, defence facilities and rail infrastructure. As far as we are aware, there are no ports or defence facilities within the district. The only rail infrastructure is that related the currently mothballed Kingston Flyer tourist venture.

79. Lastly, particularising reference to Queenstown and Wanaka Airport has the effect of excluding Glenorchy Aerodrome, but we concur with the Stage 1 Hearing Panel, who recommended that particularisation. As Mr Barr observes, that particular aspect of the Stage 1 recommendations was not appealed.

80. We therefore agree with Mr Barr that the notified definitions need not be changed.

### 3.6 Other Matters

81. Wayfare Group Limited made a general submission seeking that an additional matter of discretion be inserted for restricted discretionary activities to ensure "positive effects" of the activity are to be considered.

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<sup>10</sup> [2013] NZHC 1290

82. Mr Barr considered that this amendment was not necessary and Wayfare Group Limited did not call evidence that would call that view into question.
83. Accordingly, we accept Mr Barr's recommendation that this submission be declined.
84. As above, the new Utility Rules proposed were numbered 30.5.1.3-10 inclusive, 30.5.1.12 and 30.5.1.13. So numbered, they duplicate rule numbers in PDP Chapter 30. There is already, for instance, a controlled activity rule numbered 30.5.1.3. We do not apprehend the intention of the Variation to replace that rule (which relates to buildings associated with a utility) with notified Rule 30.5.1.3 (which relates to underground pipes and incidental structures and equipment for transmitting and distributing gas).
85. Our recommended Chapter 30 Variation attached, therefore, utilises a numbering system that would fit into PDP Chapter 30 seamlessly.
86. Alternatively, the Council may prefer to utilise its powers under Clause 16(2) of the First Schedule to amend the numbering of PDP to make room for the new rules the subject of the Variation.
87. Either way, as noted above, the internal cross reference in notified Rule 30.5.1.13 needs to reflect the end result.

#### 4. OVERALL RECOMMENDATION

88. Having considered the evidence before us, we have formed the view that save as identified above, the notified provisions of the Chapter 30 Variation are the most appropriate way to give effect to the stated objective. That objective is not the subject of submission and we have no basis on which to reconsider it.
89. To the extent that we have recommended amendments to the notified provisions, our reasons are as set out above.
90. Accordingly, we recommend that the Chapter 30 Variation be adopted by Council in the form attached.
91. We also attach as an appendix to our Report, a summary table setting out our recommendation in relation to each primary submission. We have not listed further submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.

Dated: 12 September 2020

A handwritten signature in black ink, appearing to read 'TR', is written over a horizontal line.

**Trevor Robinson**  
**Chair**

**Attachments**

**Appendix 1- Recommended Revised Proposed Plan Provisions**

**Appendix 2- Table of Submitter Recommendations**



## 30 Energy and Utilities

### Purpose

30.1.1. Energy *[Not subject to this variation]*

39.1.2 Utilities

*[Add the following text after the third paragraph]*

Utilities are also required for the purpose of the protection of the community from natural hazards. The provisions in this Chapter address structures and works required for the purpose of natural hazard mitigation, while Chapter 28 (Natural Hazards) focuses on the consequences of subdivision, use and development on, and the natural hazard risk to, those activities.

### 30.2 Objectives and Policies

#### Utilities

*[Add the following objective and five policies]*

30.2.9 Objective – Natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community are enabled in a manner that minimises adverse effects on the environment.

#### Policies

30.2.9.1 Enable the repair and maintenance of natural hazard mitigation structures, facilities, and plant required for the protection of the community.

30.2.9.2 Provide for natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community while:

a. seeking to avoid significant adverse effects;

b. where there is no reasonable alternative and avoidance of significant adverse effects is not practicable, remedying or mitigating adverse effects; and

c. minimising other adverse effects.

30.2.9.3 Minimise any displacement of natural hazard risk off-site that may result from natural hazard mitigation structures and works.

30.2.9.4 Encourage natural hazard mitigation structures and works that result in low residual risk from natural hazards.

30.2.9.5 Recognise that natural hazard mitigation structures and works may have a functional need to locate within sensitive areas, with the potential for adverse effects on the values of those sensitive areas, including:

- a. Significant Natural Areas, including other areas that meet the criteria for significance in Policy 33.2.1.8;
- b. heritage features, heritage precincts, heritage overlay areas and protected trees;
- c. overlays and zones with special character areas including the Queenstown, Wānaka and Arrowtown town centres and the Arrowtown Residential Historic Management Zone;
- d. Outstanding Natural Landscapes and Outstanding Natural Features;
- e. Rural Character Landscapes and other amenity landscapes;
- f. lakes, rivers and their margins;
- g. Wāhi tūpuna; and
- h. Open Space and Recreation Zones.

### **30.3 Other Provisions and Rules**

**30.3.1** *[Not subject to this variation]*

**30.3.2** *[Not subject to this variation]*

#### **30.3.3 Interpreting and Applying the Rules**

30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules unless any of the exceptions set out in Rule 30.3.3.3 apply.

30.3.3.2 *[Not subject to this variation]*

30.3.3.3 The rules contained in this Chapter ~~prevail take precedence~~ over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks;
- b. 26 Historic Heritage.
- c. Protected Trees.
- d. Indigenous Vegetation and Biodiversity.
- e. 35 Temporary Activities and Relocated Buildings;
- f. 36 Noise
- g. 39 Wāhi Tūpuna.

30.3.3.3a Roads are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of Roads or the Transport Network. These activities are managed by Chapter 27 Subdivision and Development and Chapter 29 Transport.

30.3.3.3b Airports and approach control services are defined as utilities. However the rules in this Chapter do not apply to Airport Activities within the Airport Zone (Chapter 17). Airport Activities within the Airport Zone are managed in Chapter 17.

### 30.4 Energy Rules *[Not subject to this variation]*

### 30.5 Utility Rules

30.5.1	General Utility Activities	Activity Status
<u>30.5.1.2a</u>	<u>Underground pipes and incidental structures and equipment for transmitting and distributing gas.</u>	P
<u>30.5.1.2b</u>	<u>Underground pipes and incidental structures and equipment for the supply and drainage of water or wastewater.</u>	P
<u>30.5.1.2c</u>	<u>Water and irrigation races, drains, channels and underground pipes for water and irrigation, other than those activities restricted by Rule 30.5.1.3b.</u>	P
<u>30.5.1.2d</u>	<u>Structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards.</u>	P
<u>30.5.1.2e</u>	<u>Maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.</u>	P
<u>30.5.1.2f</u>	<u>Underground pipes and incidental structures and equipment for the conveyance of stormwater.</u>	P
<u>30.5.1.2g</u>	<u>Water, wastewater and stormwater pump stations.</u>	P
<u>30.5.1.2h</u>	<u>Stormwater detention/retention ponds or stormwater wetlands, other than those activities restricted by Rule 30.5.1.3b.</u>  <u>Control is reserved to:</u>  <u>a. effects on the use of open space;</u> <u>b. provision of safe access for maintenance;</u> <u>c. effects on health and safety;</u> <u>d. landscaping.</u>	C
<u>30.5.1.3a</u>	<u>Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater, stormwater and gas.</u>  <u>Discretion is restricted to:</u>  <u>a. functional needs of the utility;</u> <u>b. visual effects;</u> <u>c. Location, limited to the operation and function of the site, existing activities and effects on amenity values;</u> <u>d. odour effects.</u>	RD

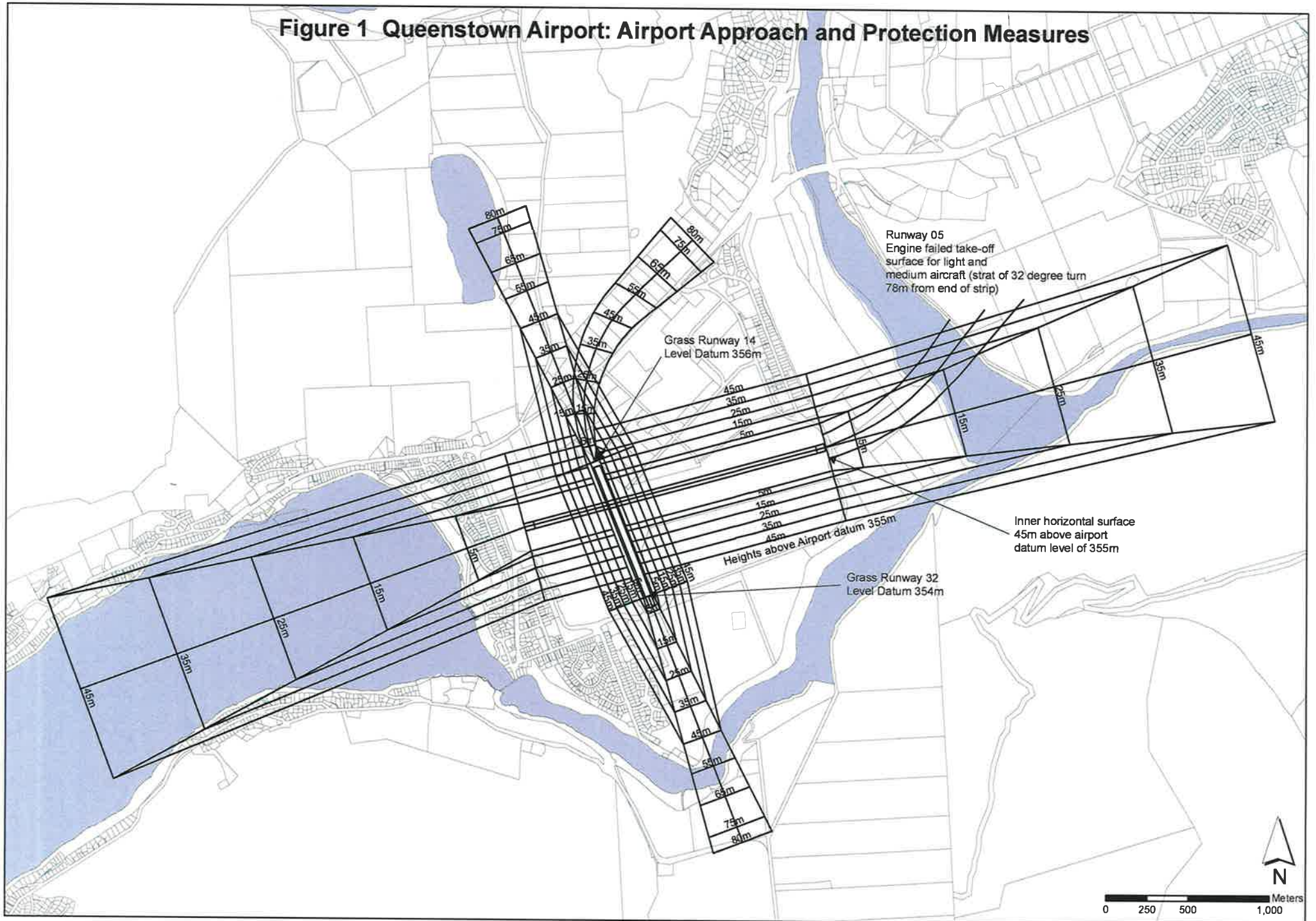
30.5.1	General Utility Activities	Activity Status
<u>30.5.1.3b</u>	<p><u>Water and irrigation races, drains, channels, stormwater detention/retention ponds or stormwater wetlands within the Airport Approach and Protection Measures at Queenstown and Wanaka Airports, as identified in Figures 1 and Figures 3 in Section 30.7 below.</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Bird strike effects on aircraft operations at Queenstown or Wanaka Airports;</u></p>	<u>RD</u>
<u>30.5.1.3c</u>	<p><u>Structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for in Rule 30.5.2.e.</u></p>	<u>D</u>

### 30.6 Rules - Non-Notification of Applications

*[Not subject to this variation]*

### 30.7 Queenstown Airport and Wanaka Airport Figures

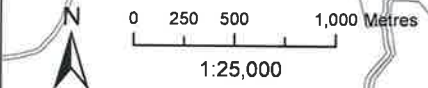
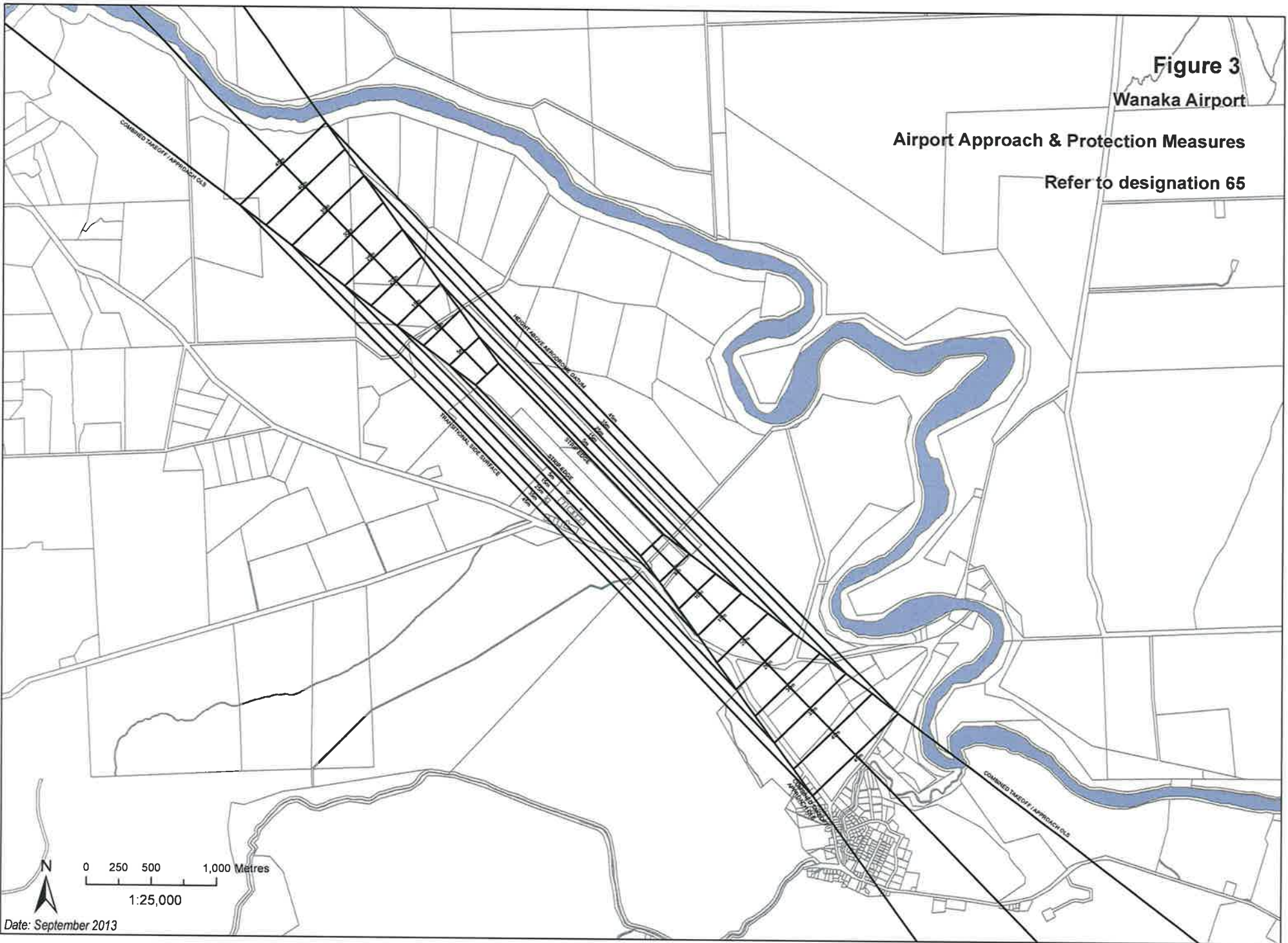
**Figure 1 Queenstown Airport: Airport Approach and Protection Measures**



**Figure 3**  
**Wanaka Airport**

**Airport Approach & Protection Measures**

**Refer to designation 65**



Date: September 2013

## Variation to Chapter 2 Definitions:

<p><b>Regionally Significant Infrastructure</b></p>	<p>Means:</p> <p>a. <i>[existing text not subject to this variation]</i></p> <p>...</p> <p>g. ...; and</p> <p>h. <u>municipal infrastructure.</u></p>
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<p><b><u>Municipal infrastructure</u></b></p>	<p>Means <u>infrastructure owned and operated by the Council for:</u></p> <p>a) <u>Conveyance of untreated water from source to, and including, the point of its treatment to potable standard for an urban environment (see below), but excluding its distribution within that urban environment;</u></p> <p>b) <u>Treatment of wastewater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment;</u></p> <p>c) <u>Treatment of stormwater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment.</u></p> <p><u>For the purposes of the definition of Municipal infrastructure, urban environment means:</u></p> <ol style="list-style-type: none"> <li>I. <u>All land zoned within Part Three – Urban Environment, comprising Chapters 7 to 17 inclusive and Chapter 44 (Coneburn Industrial Zone).</u></li> <li>II. <u>Any Open Space and Recreation Zone located within an Urban Growth Boundary identified on the Plan maps.</u></li> <li>III. <u>Jacks Point Zone Chapter 41.</u></li> </ol>
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## Appendix 2- Table of Submitter Recommendations

Submission No	Submitter	Submission Summary	Recommendation	Section where addressed
3080	Transpower New Zealand Limited	That the provisions of Chapter 30 be retained as notified, or in a manner that does not impact State 1 appeals.	Accept	General
3080	Transpower New Zealand Limited	That 30.3.3 is retained as notified,	Accept	3.3
3153	Aurora Energy Limited	That, if the relief in submission point 3153.23 is accepted, Rule 30.3.3.1 be retained as notified. If the relief in submission point 3153.22 is not accepted, amend Rule 30.3.3.1 by rejecting the notified additional text ("unless any of the exceptions set out in Rule 30.3.3.3 apply").	Not pursued so not considered further. Underlying point to be addressed in Stream 16 report.	3.3
3316	Queenstown Airport Corporation	That Rule 30.3.3.1 is retained as notified	Accept	3.3
3316	Queenstown Airport Corporation	That Rule 30.3.3.5 is amended to read: "The rules in this Chapter do not apply to Airport Activities and Airport Related Activities within the Airport Zone (Chapter 17). Airport Activities and Airport Related Activities within the Airport Zone are Managed by Chapter 17."	Reject	3.3
3316	Queenstown Airport Corporation	That the words "Except where captured by Rule 30.5.1.1," are inserted at the start of Rule 30.5.1.5.	Accept in part	3.4
3316	Queenstown Airport Corporation	That a new Rule 30.5.1.11 be inserted as follows: "Water and irrigation races, drains and channels beneath the Aircraft Approach and Land Use Controls Designation at the Queenstown or Wanaka Airports" with a Restricted Discretionary Activity Status, where discretion is restricted to: a. Adverse effects on aircraft operations at Queenstown or Wanaka Airports.	Accept in part	3.4
3316	Queenstown Airport Corporation	That Rule 30.5.1.10 is amended from a Controlled to a Restricted Discretionary Activity with the matters of discretion as follows: Discretion is restricted to: a. Effects on the use of open space; b. Provision of safe access for maintenance; c. Effects on health and safety d. Landscaping.; e. Adverse effects on aircraft operations at Queenstown or Wanaka Airports.	Accept in part	3.4
3342	Otago Regional Council	That Objective 30.2.9 be retained as notified.	Accept	3.2
3342	Otago Regional Council	That Policy 30.2.9.1 be retained as notified.	Accept	3.2
3342	Otago Regional Council	That Policy 30.2.9.2 be retained as notified.	Accept	3.2
3342	Otago Regional Council	That Policy 30.2.9.3 be amended to read as follows: When designing and establishing natural hazard mitigation structures and works minimise the displacement of natural hazard risk off-site. Or similar relief that helps to clarify the intent of Policy 30.2.9.3.	Accept in Part	3.2
3342	Otago Regional Council	That Policy 30.2.9.4 be amended to provide more certainty as to the outcome sought by the policy.	Accept in Part	3.2
3342	Otago Regional Council	That Policy 30.2.9.3 be relocated to Chapter 28 (Natural Hazards).	Reject	3.2
3342	Otago Regional Council	That Policy 30.2.9.4 be relocated to Chapter 28 (Natural Hazards).	Reject	3.2
3342	Otago Regional Council	That Policy 30.2.9.5 be retained as notified.	Accept	3.2
3342	Otago Regional Council	That a new rule 30.5.1x be introduced that provides for all works including all earthworks structures, facilities, plant, equipment to manage natural hazards that comply with Rule 25.4.1 as a permitted activity.	Accept in part	3.4



Submission No	Submitter	Submission Summary	Recommendation	Section where addressed
3342	Otago Regional Council	That Rule 30.5.1.13 be amended to have restricted discretionary activity status and to read as follows: Works including all earthworks structures, facilities, plant, equipment, to manage natural hazards not otherwise provided for in Rule 30.5.1.x Discretion is restricted to: a. the ability to mitigate the effects on the following overlays: i. Significant Natural Areas; ii. Heritage Features and Heritage Overlay Areas; iii. Rural Character Landscapes; iv. Outstanding Natural Landscape and Features; v. Wahi tupuna sites; b. Positive effects of the structures, facility, plant, or equipment to people and communities.	Reject	3.4
3343	WAYFARE GROUP LIMITED	That utilities and works which protect people and property from natural hazard risk are significant physical resources and should be provided for.	Accept in part	3.4
3343	WAYFARE GROUP LIMITED	That Rule 30.5.1.e be clearer in stating what it permits.	Accept in part	3.6
3343	WAYFARE GROUP LIMITED	That a new clause is inserted to clarify that reference to 'the community' includes individual people and property (i.e. not just the group or the broader community).	Reject	3.1
3343	WAYFARE GROUP LIMITED	That structures, facilities, plant, equipment and associated works are permitted, including earthworks for the protection of the community from natural hazards, are permitted.	Accept in part	3.4
3343	WAYFARE GROUP LIMITED	That underground telecommunication services (including associated earthworks) are permitted.	Reject	3.4
3343	WAYFARE GROUP LIMITED	That the Activity Status of Rule 30.5.1.13 is amended from 'Discretionary' to 'Controlled' or 'Restricted Discretionary'.	Reject	3.4
3343	WAYFARE GROUP LIMITED	That an additional matter of discretion for Restricted Discretionary Activities is inserted to ensure that 'positive effects' of the activity are considered.	Reject	3.6
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That Clause 30.1.2 is retained as notified.	Accept	3.1
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That Objective 30.2.9 be retained as notified.	Accept	3.2
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That Policy 30.2.9.1 be retained as notified.	Accept	3.2
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That policy 30.2.9.2 be retained as notified.	Accept	3.2
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That Policy 30.2.9.3 be amended as suggested so that it is specific to natural hazard mitigation structures and works.	Accept in part	3.2
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That Policy 30.2.9.4 be retained as notified.	Accept	3.2
3383	Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited	That the definition of Regionally Significant Infrastructure is amended as suggested so that it is consistent with the de-facto definition provided in Policy 4.3.2 of the Partially Operative Otago Regional Policy Statement.	Reject	3.5

**APPENDIX C – A list of names and addresses of persons to be served with this notice**

<b>Party</b>	<b>Address for service</b>
Queenstown Lakes District Council	dpappeals@qldc.govt.nz
Otago Regional Council	warren.hanley@orc.govt.nz
Transpower New Zealand Limited	ainsley@amconsulting.co.nz
Aurora Energy Limited	simon.peirce@gallawaycookallan.co.nz
Queenstown Airport Corporation	kirsty.osullivan@mitchelldaysh.co.nz
Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd	philipb@4sight.co.nz