

**In the Environment Court
at Christchurch**

**In the Matter
And**

of the Resource Management Act 1991

In the Matter

of an appeal under clause 14(1) of the
First Schedule to the Act

Between

**QUEENSTOWN AIRPORT
CORPORATION LIMITED**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal by **Queenstown Airport
Corporation Limited** against a decision on
the Proposed Queenstown Lakes District
Plan – Stage 3**

Dated: 4 December 2020

To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Queenstown Airport Corporation Limited (**QAC**) appeals against parts of decisions of the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan – Stage 3 (**Proposed Plan**).
2. QAC made a submission and further submission on the Proposed Plan.
3. QAC is not a trade competitor for the purposes of section 308D of the Act.
4. QAC received notice of the decisions on 22 October 2020.
5. The decisions were made by the Respondent by ratifying the recommendations of the Independent Hearings Panel (**Panel**).
6. The parts of the decisions that QAC is appealing (collectively referred to as the **Decisions**) are:
 - (a) The Variation to Chapter 30 – Energy and Utilities, including:
 - (i) Rule 30.3.3.5; and
 - (ii) Rule 30.5.1.13.
 - (b) The Variation to Chapter 2 – Definitions, including:
 - (i) The definition of ‘Airport Related Activity’.
 - (c) The related decision report of the Panel.

Reasons for the Appeal

General Reasons

7. Queenstown Airport is owned and operated by QAC, which is a network utility operator and requiring authority under the Resource Management Act. QAC is also a lifeline utility under the Civil Defence Emergency Management Act 2002 and an

'Airport Authority' under the Airport Authorities Act 1966 (**AAA**). It is required under the AAA to operate and manage its airports as commercial undertakings, including carrying out improvements where necessary.

8. QAC also has an obligation as a Council Controlled Trading Organisation (**CCTO**) to support the Queenstown Lakes District Council in providing good quality local infrastructure that is appropriate to meet current and anticipated future needs and circumstances.
9. QAC was incorporated in 1988 and since then has been responsible for the management and development of Queenstown Airport, striving to deliver an operationally safe and efficient airport with world-class facilities and an outstanding customer experience that reflects the best of the region.
10. In 2009, QAC was engaged by QLDC to manage Wanaka Airport's day to day operations. After a public consultation period in 2017, QLDC granted QAC a 100-year lease for the management, planning and future development of Wanaka Airport, which commenced on 1 April 2018.
11. QAC also provides property maintenance and management services at Glenorchy Airstrip on QLDC's behalf.

Particular Reasons

Airport Activities and Airport Related Activities as Utilities

12. The Resource Management Act's definition of 'network utility operation' includes 'airports' operated by 'airport authorities' as defined under the Airport Authorities Act. Activities anticipated as an 'airport' under the AAA include activities that are defined as Airport Activities and Airport Related Activities under the Proposed Plan. Both Airport Activities and Airport Related Activities therefore form part of the wider ambit of the airport network utility operation. Both are potentially captured by Chapter 30 – Energy and Utilities.
13. The Variation to Chapter 30 - Energy and Utilities proposes, among other things, to address the interplay of Chapter 30 with other chapters of the Proposed Plan, including Chapter 17 – Airport Zone, which comprehensively provides for Airport Activities and Airport Related Activities at Queenstown and Wanaka Airports.

14. Specifically, Rule 30.3.3.5 states:

“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.”

15. While this Rule clarifies the relationship between Chapters 17 and 30 insofar as Airport Activities are concerned, it does not address the potential duplication of controls in Chapters 17 and 30 for Airport Related Activities, which, as noted, form part of the wider ambit of the airport network utility operation and are therefore also utilities, by definition. This is inappropriate and a poor resource management outcome.
16. QAC’s relief addresses this issue and seeks that Rule 30.3.3.5 is amended to include reference to Airport Related Activities. As related relief, QAC seeks amendment to the definition of ‘Airport Related Activity’ so as to remove limb c. of the definition and narrow its ambit. This will ensure that limb c matters – servicing and infrastructure activities within the Airport Zone - remain subject to the provisions of Chapter 30.

Open Water Bodies

17. The variation to Chapter 30 - Energy and Utilities introduces new provisions relating to the management of water throughout the District. QAC considers this is generally appropriate, particularly in so far as these activities may increase the risk of bird strike at and around the District’s Airports, which is a potential safety risk to aircraft operations.
18. Rule 30.5.1.13 goes some way to addressing QAC’s concerns on this issue, however its ambit is unduly narrow. In particular, it is limited to land located within the Airport Approach and Protection Measures at Queenstown and Wanaka Airports as identified in Figures 1 and 3 of the Proposed Plan, whereas the risk of bird strike due to water bodies may arise beyond this.
19. QAC’s relief seeks to address this by widening the ambit of the Rule to address a larger area of land beneath and around the Airports and associated flight paths.
20. QAC considers that without the amendments sought in this appeal, the Decisions:

- (a) fail to adequately recognise or provide for Queenstown and Wanaka Airports as Regionally Significant Infrastructure;
- (b) are not the most appropriate way to achieve the strategic and higher order objectives and policies of the Proposed Plan;
- (c) fail to achieve the functions of the Respondent under section 31 of the Act in respect of the integrated management of the effects of the use and development of land and physical resources;
- (d) fail to meet the requirements of section 32;
- (e) do not represent an efficient use of land under section 7(a);
- (f) fail to promote sustainable management of resources and will not achieve the purpose of the Act.

Relief Sought

21. QAC seeks the following relief:

- (a) That Rule 30.3.3.5 is amended as follows:

~~“Airports and approach control services are defined as utilities. However, ‡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”;~~

- (b) That the Chapter 2 definition of Airport Related Activity is amended by deleting limb c., “servicing and infrastructure”;

- (c) That Rule 30.5.1.13 is amended as follows:

“Water and irrigation races, drains, channels, stormwater detention/retention ponds or stormwater wetlands located beneath the Approach and Land Use Controls designations for Queenstown and Wanaka Airports. ~~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.~~

Discretion is restricted to:

a. Bird strike effects on aircraft operations at Queenstown or Wanaka Airports”;

- (d) That the Proposed Plan be amended in a similar or such other way as may be appropriate to address the matters raised in this appeal;
- (e) Any similar, consequential, or other relief as is necessary to address the issues raised in QAC’s appeal or otherwise raised in QAC’s submission.

Attached Documents

22. The following documents are **attached** to this notice:

- (a) A list of the names and addresses of persons to be served with a copy of this notice;
- (b) A copy of QAC’s submission;
- (c) A copy of the Respondent’s Decisions;

Dated this 4th day of December 2020



Rebecca Wolt

Counsel for Queenstown Airport Corporation Limited

Address for Service for the Appellant:

Rebecca Wolt
Barrister
Phone: 021 244 2950
Email: rebecca@rebeccawolt.co.nz

Advice to Recipients of Copy of Notice of Appeal

How to become a Party to Proceedings

You may be a party to the appeal if:

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 (if any).

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).

List of Parties to be Served with Appeal

Respondent: Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348
dpappeals@qldc.govt.nz

Submitters/Further Submitters:

Transpower New Zealand Limited
C/- AM Consulting
Attn: Ainsley McLeod
ainsley@amconsulting.co.nz

Aurora Energy Limited
Galloway Cook Allen Lawyers Dunedin
Attn: Simon Pierce
simon.peirce@gallowaycookallan.co.nz

Otago Regional Council
Attn: Warren Hanley
warren.hanley@orc.govt.nz

Wayfare Group Limited
C/- Ben Farrell, Planner
ben@jea.co.nz

Z Energy, BP Oil NZ Limited & Mobil Oil NZ Limited
4Sight Consulting Limited
Attn: Phil Brown
philipb@4sight.co.nz

FORM 5

**SUBMISSION ON PUBLICLY NOTIFIED QUEENSTOWN LAKES
PROPOSED DISTRICT PLAN STAGE 3**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submission on: Queenstown Lakes Proposed District Plan (Stage 3)

Name: **Queenstown Airport Corporation (QAC)**

1. This is a submission on Stage 3 of the Queenstown Lakes Proposed District Plan (Proposed Plan).
2. QAC could not gain an advantage in trade competition through this submission.
3. The specific provisions of the Proposed Plan that QAC's submission relates to are:
 - Chapter 18A General Industrial Zone
 - Variation to Chapters 7, 9 and 16 Glare
 - Variation to Chapter 30 Energy and Utilities
 - Chapter 39 Wahi Tupuna
 - Residential Design Guide
 - Business Mixed Use Design Guide
4. **QAC's submission is:**

Queenstown Airport Corporation

 - 4.1 Queenstown Airport is owned and operated by QAC, which is a network utility operator and requiring authority under the Resource Management Act 1991 ("the Act" or "the RMA"). QAC is also a lifeline utility under the Civil Defence Emergency Management Act 2002 and is considered an 'Airport Authority' under the Airport Authorities Act 1966 (AAA). It is required under the AAA to operate and manage its airports as commercial undertakings, including carrying out improvements where necessary.

- 4.2 QAC also has an obligation as a Council Controlled Trading Organisation (CCTO) to support QLDC in providing good quality local infrastructure that is appropriate to meet current and anticipated future needs and circumstances.
- 4.3 QAC was incorporated in 1988 and since then has been responsible for the management and development of Queenstown Airport, striving to deliver an operationally safe and efficient airport with world-class facilities and an outstanding customer experience that reflects the best of the region.
- 4.4 In 2009, QAC was engaged by QLDC to manage Wanaka Airport's day to day operations. After a public consultation period in 2017, QLDC granted QAC a 100 year lease for the management, planning and future development of Wanaka Airport, which commenced on 1 April 2018.
- 4.5 QAC also provides property maintenance services at Glenorchy Airstrip on QLDC's behalf. In 2018, QLDC and QAC agreed in principle that, subject to agreeing appropriate terms, QAC would provide a broader range of management services at the airstrip. QAC is a founding member of the Glenorchy Airstrip Consultative Governance Committee.
- 4.6 Providing for the safe and efficient operation of the airport is one of QAC's key responsibilities. With this responsibility comes an obligation to actively monitor proposed and existing land use activities within the area to ensure that the operational requirements of the airport remain suitably protected and provided for.

Queenstown Airport

- 4.7 Queenstown Airport is part of a national network of critical infrastructure assets which connect residents and visitors to the Southern Lakes region. QAC is responsible for managing these strategic assets on behalf of its two shareholders to ensure they are financially viable and sustainable, generate appropriate returns on assets, and contribute to the region's economic development and the wellbeing of its communities.
- 4.8 With a rich heritage dating from 1935, Queenstown Airport is today New Zealand's fourth busiest airport. The airport is a strategic national and regional asset which contributes to the vibrancy and prosperity of New Zealand's economy, its tourism sector and the regional communities served by the airport. It is as important as other critical infrastructure, including roading, telecommunications cables and piping for essential services. More than 60 businesses and 700 people work across the airport precinct providing a broad range of services.
- 4.9 The airport provides a domestic and international entry point to Queenstown, one of the world's premium visitor destinations, and direct access to the Southern Lakes region which

is home to some of New Zealand's most iconic scenery and experiences. Between 35-45% of all arrivals to the region come by air, supporting the economy and the needs of local residents, businesses and visitors.

- 4.10 Residents and visitors, domestic and international alike, have access to daily air services to/from Auckland, Wellington and Christchurch, as well as direct trans-Tasman services to east coast Australia through the ports of Brisbane, Coolangatta, Sydney and Melbourne. Auckland and Sydney airports are the major international hub airports for long-haul travel.
- 4.11 Queenstown Airport is also a base for various general aviation activities, including flightseeing and other commercial operations, search and rescue, life flights and other emergency services. It is New Zealand's busiest helicopter port and a popular choice for private jet customers who reside in or visit the region.
- 4.12 Queenstown Airport is the subject to two designations in the Proposed Queenstown Lakes District Plan, namely:
- 4.12.1 Designation 2 – Aerodrome Purposes: The purpose of this designation is to protect the operational capability of the Airport, while at the same time minimising adverse environmental effects from aircraft noise on the community at least to year 2037; and,
- 4.12.2 Designation 4 – The Approach and Land Use Control (transitional slopes and surfaces): The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.
- 4.13 QAC owns a total of 152.5 hectares of land in and around Queenstown Airport.

Wanaka Airport

- 4.14 Wanaka Airport is a general aviation airport with nearly 300 people working across approximately 20 businesses. These include flightseeing, flight training, helicopter maintenance, skydiving, private recreational aviation and attractions.
- 4.15 Since 1988, Wanaka Airport has been the home of the Warbirds over Wanaka air show. In 2015, the airport joined a select group of NASA global test sites for its scientific space balloon programme.
- 4.16 QLDC is the requiring authority for Wanaka Airport. Wanaka Airport is the subject of two designations as follows:

4.16.1 Designation 64 – Aerodrome Purposes: The purpose of this designation is to protect the operational capability of the Airport, while at the same time minimising adverse effects from aircraft noise; and,

4.16.2 Designation 65 – Approach and Land Use Controls: the purpose of this designation is to define essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances.

4.17 QAC owns a total of approximately 282 hectares of land in and around Wanaka Airport.

Queenstown and Wanaka Airport Master Plans

4.18 QAC is conscious of the need to manage future airport growth in a manner that is consistent with its sustainability framework and that adheres to its guiding principles of sustainable, adaptable, affordable and memorable.

4.19 QAC's ongoing work with, and support of, the communities across the Southern Lakes region is underpinned by a mindfulness of its social licence to operate and a commitment to social, economic and environmental sustainability through the Company's sustainability framework which guides its thinking in this space. QAC is committed to being a good neighbour and working with others to align long-term planning initiatives, address destination infrastructure constraints and find solutions to local social issues.

4.20 As a public air transport infrastructure business, QAC intends to continue its long-term planning and appropriately invest in infrastructure to maintain the highest levels of safety, efficiency and customer service. QAC's long-term planning is also necessary to future proof the airport infrastructure.

4.21 As a responsible airport operator, QAC regularly updates its demand forecasts to ensure that it is adaptable to changes in its business environment and remains aligned to the growth forecasts underpinning QLDC's local and district-wide spatial planning processes, and does not seek to outpace the natural demand for air services to the region. The long-term planning work began for Queenstown Airport in 2016, and to date, has included community and stakeholder engagement on master plan options and consultation on proposed changes to noise boundaries. This work is currently on hold pending the results of QLDC's economic and social impact assessment relating to possible airport development scenarios, and the Regional Spatial Planning being undertaken by QLDC in partnership with government and Ngai Tahu.

4.22 Similarly, long term planning work for Wanaka Airport is on hold while QLDC investigates the economic and social impact of the District's airports and the Regional Spatial Planning being undertaken by QLDC in partnership with government and Ngai Tahu.

NZ Standard and Plan Change 35

- 4.23 In 2008, QAC promulgated Plan Change 35 (PC35). The purpose of PC35 was to put in place an appropriate management regime for land use around Queenstown Airport while providing for the predicted ongoing growth of the Airport. Accordingly, the Plan Change updated the Airport's noise boundaries (Air Noise Boundary (ANB) and Outer Control Boundary (OCB)) to provide for predicted growth in airport operations to 2037 and amended various zone provisions relating to land within those updated boundaries likely to be affected by increased airport noise.
- 4.24 The foundation of the approach adopted in PC35 was the New Zealand Standard for airport noise management and land use planning (the NZ Standard or NZS6805). This Standard is recognised as the key guiding document for managing aircraft noise at New Zealand airports. The NZ Standard establishes maximum acceptable levels of aircraft noise exposure around airports for the protection of community health and amenity values, whilst recognising the need to operate an airport efficiently.
- 4.25 As the primary guiding document for the management of aircraft noise and land use planning in New Zealand, QAC submits that it is imperative that the Proposed Plan upholds the approach used in the NZ Standard and PC35. This approach has been largely accepted by QLDC during Stages 1 and 2 of the Proposed Plan review.
- 4.26 The General Industrial Zone is the only Stage 3 land use zone located within aircraft noise boundaries at Queenstown Airport. Consistent with the NZ Standard and PC35, the planning framework within the General Industrial Zone should:
- 4.26.1 Establish a strong objective and policy dissuasion against the establishment of new Activities Sensitive to Aircraft Noise (ASAN) with the ANB and OCB at Queenstown Airport;
 - 4.26.2 Prohibit any new ASAN within the ANB and OCB;
 - 4.26.3 For alterations or additions to existing buildings containing ASAN, require mechanical ventilation or Critical Listening Environments for sites located within the OCB, to achieve an Indoor Sound Level of 40dB Ldn, based on the 2037 noise contours. For completeness, QAC understands that there are no existing lawfully established ASAN located within the ANB and General Industrial Zone. Accordingly, it is not necessary for this method to apply to the ANB.
- 4.27 The notified General Industrial Zone does not implement the above planning framework. QAC submits that further amendments are required, including the addition of a new objective and two associated policies in order to uphold the recommendations of the NZ Standard and PC35.

- 4.28 The drafting style of the relevant aircraft noise management methods within Chapter 18A also departs from the drafting style adopted elsewhere in Stage 1 of the Proposed Plan review. QAC is concerned that this inconsistency could result in different interpretations and application of the relevant planning methods. QAC submits that the structure of the relevant planning methods should be applied consistently throughout the Proposed Plan.

Aircraft operations and associated incompatible activities

- 4.29 While industrial and service land use activities are generally an appropriate activity adjacent to airports, QAC is concerned about the potential breadth of scope afforded to these activities within the Glenda Drive General Industrial Zone.
- 4.30 Incompatible land use activities have the potential to give rise to significant adverse effects on aircraft operations at Queenstown Airport. Safety is paramount, therefore QAC seeks to actively discourage activities from establishing that could give rise to adverse safety effects, particularly with respect to aircraft operations.
- 4.31 There is currently a degree of acceptance with the General Industrial Zone provisions¹ that industrial and service activities will be incompatible with and have an effect on adjacent or nearby non-industrial zones. The provisions² that seek to manage the effects of industrial and service activities then focus on the management of effects to address amenity of other zones. QAC is concerned that the focus of these provisions is too narrow and does not address the potential adverse effects of industrial and service activities on the safe operation and functioning of Queenstown Airport.
- 4.32 QAC is also concerned that some of the activities enabled within the zone are counter to best practice land use management surrounding airports. The Civil Aviation Authority produces guidance material³ regarding the land use activities at or near Aerodromes. Within this guidance document, a number of land use activities are identified as being generally incompatible with airports (for example, refuse dumps and landfills). While QAC understands that some of these activities may already present within the Queenstown Airport environs, the District Plan needs to avoid enabling activities that may further exacerbate the effects of associated with those activities.
- 4.33 Accordingly, QAC submits that further drafting amendments are required to ensure that the adverse effects of industrial and service activities on aircraft operations is accounted for within the objectives and policies of the General Industrial Zone. Further amendments

¹ Proposed Policy 18A.2.1.4.

² Proposed Objective 18A.2.4 and associated proposed policies 18A.2.4.1-2).

³ https://www.aviation.govt.nz/assets/airspace-and-aerodromes/guidance_material_land-use-aerodromes.pdf

are also required to the planning methods to ensure alignment with best practice land use management surrounding Airports.

Rezoning of QAC's Rural Zoned Land

- 4.34 QAC owns a 3.27 hectare parcel of land at 27 Lucas Place (Lot 2 DP 472825). As shown in **Annexure B**, this land is subject to three land use zones:
- 4.34.1 Frankton Flats B (Activity Area E1) Zone;
 - 4.34.2 General Industrial Zone; and,
 - 4.34.3 Rural Zone.
- 4.35 QAC has an appeal filed with respect to the Stage 1 Rural zoning of this land and seeks that it be rezoned for Airport Purposes.
- 4.36 The split zoning of this site does not reflect the legal boundaries of the site and has the potential to adversely impact QAC's ability to develop the site in a comprehensive and integrated manner. Such development and use could arbitrarily be subject to three different planning regimes for the same activity. In some instances, those activities could be prohibited while in others, it is not. This is inefficient and could result in multiple consenting requirements for the same activity.
- 4.37 To address this issue, QAC submits that either:
- 4.37.1 the area of General Industrial zoned land shown in **Annexure B** be rezoned Airport Zone. Such zoning would be consistent with that proposed by QAC as part of its Stage 1 appeal for the land located immediately south of the site; or,
 - 4.37.2 the area of General Industrial zoned land shown in **Annexure B** be rezoned Frankton Flats B (Activity Area E1) zone. Such zoning would be consistent with the land use zoning immediately west of the site; or,
 - 4.37.3 the area of General Industrial zoned land shown in **Annexure B** be rezoned Rural zone as per the Stage 1 Decision zoning for the land immediately south of the site. This is QAC's least preferred option; or,
 - 4.37.4 similar or like relief that achieves the same planning framework of either the Airport, Frankton Flats or Rural zone.
- 4.38 It is also noted that on close inspection of the online mapping tool, the General Industrial Zone boundaries extend somewhat arbitrarily beyond the legal parcel boundaries. While QAC acknowledges QLDC's disclaimer regarding accuracy of zone boundaries on the

online mapping tool, QAC submits that zone boundaries should align where possible to legal boundaries.

Obstacle Limitation Surface – Queenstown Airport

- 4.39 As noted earlier, QAC holds an “Approach and Land Use Control” designation for Queenstown Airport. The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport. This is achieved by means of height controls based on a series of geometric surfaces projecting up from the edges of the strips which surround the runways. The designation seeks to prevent objects such as structures and trees from penetrating these surfaces in areas critical to operational safety and efficiency.
- 4.40 In accordance with section 176 of the Act, the designations should be sufficient to control the extension of buildings and structures into these surfaces. QAC’s experience dictates however, that the statutory obligations to obtain QAC’s approval under section 176 of the Act is often overlooked when considering applications for resource consent.
- 4.41 QAC therefore submits that it would be prudent to include a new advice note into the proposed General Industrial Zone chapter which draws plan users’ attention to the requirements inherent in the designation.
- 4.42 In addition, QAC submits that the height limits within the zone should align with the restrictions imposed by the designation. In this regard, the section 32 evaluation contains no assessment of the effects of increasing the permitted building height limit from 6m to 10m or any evaluation of the costs or benefits to aircraft operations from making this change. In the absence of this information, QAC opposed the proposed 10m height limit and submits that the operative 6m height limit should be retained.

Lighting and Glare

- 4.43 Inappropriately managed lighting in close proximity to Queenstown Airport has the potential to give rise to adverse lighting and glare effects, particularly for pilots on approach or departure from Queenstown Airport. This includes lighting that may mimic airfield lighting.
- 4.44 QAC supports the inclusion of lighting and glare standards that seek to manage these effects. This includes standards that encourage the downward focus of lighting in surrounding zones. Where lighting and glare standards are breached, QAC submits that a new matter of discretion is required to ensure the effects of the breach on aircraft operations can be considered. This is necessary as the existing reference within the matters of discretion to “the transportation network” does not, by definition, capture aircraft operations.

- 4.45 QAC also submits that a new standard should be introduced with respect to the General Industrial zone that avoids the potential mimicking of airfield lights.

Variation to Chapter 30 Energy and Utilities

Rule 30.3.3.5

- 4.46 Amendments are proposed to address the interplay of Chapter 30 Energy and Utilities with other chapters of the Proposed Plan. Specifically, airports and approach control services are provided for in Chapter 17 Airports (where they are established at Queenstown or Wanaka Airport) and roading is provided for in Chapter 29 Transport. Rule 30.3.3.3 of the Stage 1 decisions version of Chapter 30 however, states that:

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

- a. 25 Earthworks*
- b. Historic Heritage.”*

- 4.47 An unintended consequence of this statement is that rules relating to airports, approach control services and roading could be captured by the provisions within Chapter 30, despite having their own consenting regime under Chapters 17 and 29. The proposed variation seeks to address the potential duplication of consenting requirements through the introduction of new Rules 30.3.3.4 and 30.3.3.5.
- 4.48 In so far as it relates to Airport Activities (as defined), QAC supports, in principle, the proposed introduction of Rule 30.3.3.5, which seeks to address this duplication of control. QAC submits however, that further amendments are required in order to ensure that this outcome is achieved.
- 4.49 As notified, Rule 30.3.3.5 states:
- 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.*
- 4.50 While this rule clarifies the relationship between Chapters 17 and 30 insofar as it relates to Airport Activities, it does not address the potential duplication of controls relating to Airport Related Activities, which form part of the wider ambit of the airport network utility operation and are therefore also utilities, by definition. Accordingly, Airport Related Activities could be inadvertently captured by various rules within Chapter 30, for example, Rules 30.5.1.1, 30.5.1.3 and 30.5.1.8.

- 4.51 To address this potential duplication of control, QAC submits that Rule 30.3.3.5 should be amended to clarify that Airport and Airport Related Activities within the Airport Zone are managed by Chapter 17.
- 4.52 Chapter 17 of the Proposed Plan manages Airport and Airport Related Activities in a comprehensive manner at Queenstown and Wanaka Airports. The terms Airport Activity and Airport Related Activity are not used elsewhere in the Plan and are therefore specific to these airports.
- 4.53 As Rule 30.3.3.5 makes specific reference to Chapter 17 only, the breadth of its application is limited and will not give rise to unintended District Wide effects.
- 4.54 As a further consequential change, QAC submits that the definition of Airport Related Activity should be amended to remove limb c. servicing and infrastructure. This will ensure that remainder of utilities remain subject to the provisions contained with Chapter 30.

Open Water Bodies

- 4.55 The variation to Chapter 30 Energy and Utilities introduces new provisions relating to the management of water throughout the District.
- 4.56 QAC considers that it is appropriate to establish an efficient consenting regime for the water, wastewater and stormwater infrastructure throughout the District. In doing so however, it is also important to ensure that the effects of such activities are appropriately managed.
- 4.57 QAC is concerned that some of the proposed amendments to Chapter 30 may enable the establishment of new artificial water bodies surrounding Queenstown and Wanaka Airports. Open waterbodies are a bird attractant and if established within close proximity to Queenstown or Wanaka Airports (or the associated flight paths), could pose a potential safety risk to aircraft operations.
- 4.58 QAC therefore submits that further amendments are required to rules within Chapter 30 to ensure that the establishment of open water bodies, water courses and channels is appropriately managed to avoid giving rise to such effects.

Chapter 39 Wāhi Tūpuna

- 4.59 QAC supports the identification, mapping and protection of Wāhi Tūpuna areas throughout the district and considers that Chapter 39 assists with the implementation of the strategic direction of Chapter 5 of the Proposed Plan. QAC understands that the whole of the district is of particular value to Manawhenua.

- 4.60 From an implementation perspective, QAC seeks clarification regarding the application of Schedule 39.6, particularly with regard to the “not mapped” areas contained in the schedule.
- 4.61 As currently drafted, it is not clear whether reference to Wāhi Tūpuna areas throughout the Plan is reference to mapped areas only, scheduled areas only, or a combination of the two. This distinction is important, as without clarification, it is difficult to interpret and apply many of the proposed changes arising from the introduction of Chapter 39 and the associated variations.
- 4.62 For example, Schedule 39.6 currently makes reference to three “not mapped” areas. These are described as the “Te Kirikiri – area around Frankton”, “Tahūna – area around central Queenstown” or the “Take Kārara – wider Wānaka area”. While QAC does not anticipate that it is the intent of the earthwork variation to capture all earthworks within the three described areas, without clarification it could be interpreted that the permitted earthwork volume is 10 cubic metres⁴. Similarly, earthworks that “modify” these areas could also be captured by a restricted discretionary activity status.⁵
- 4.63 QAC submits that further clarification is required around the interpretation and application of the “not mapped” Wāhi Tūpuna areas.

Residential Zone and Business Mixed Use Zone Design Guidelines

- 4.64 QAC welcomes the introduction of design guidelines throughout the Residential and Business Mixed Use zones. Such guidelines will provide enhanced urban design outcomes for the District and will contribute towards creating a happy and healthy living environment for our communities.
- 4.65 QAC has reviewed the design guidelines and notes that both documents include guidance around suggested plant species to use when undertaking development within the Residential or Business Mixed Use zones. QAC has reviewed the list and identified that the following species are bird attractants and therefore pose a potential safety risk to aircraft operations if planted within close proximity to the Queenstown Airport environs (including flight paths):
- 4.65.1 Lemonwood (tarata)
 - 4.65.2 Ornamental Pear
 - 4.65.3 Copper Beech
 - 4.65.4 Marble Leaf

⁴ Proposed Rule 25.4.2.

⁵ Proposed Rule 25.4.5.

- 4.66 While the design guidelines are non-statutory, they will be used to inform and guide future development with the Residential and Business Mixed Use zones surrounding the airport. Given the potential for the above species to increase bird presence in areas where aircraft are on approach or departure, QAC submits that the above species should be removed from the suggested list of species.

Relationship between the Operative District Plan and Proposed District Plan

- 4.67 Section 3 of the section 32 report for Chapter 18A General Industrial Zone addresses the interplay of the Operative and District Plans. Paragraph 3.3 expressly makes reference to “the table below”, however there is no table attached.
- 4.68 Via the Stage 1 appeal process, QAC understood that the strategic chapters of the Proposed Plan, being Chapters 3 to 6, are intended to apply to all of the District. This is set out in QLDC Practice Note 2/219 and has been further confirmed in legal submissions on Strategic Topic 1: A Resilient Economy.⁶
- 4.69 The section 32 report for the General Industrial Zone states, at paragraph 3.6:

“All land that is not subject to Stages 1-3 of the District Plan Review currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified, land that has been withdrawn from the District Plan review (i.e. the land subject to Plan Changes 46- Ballantyne Road Industrial and Residential extensions, 50- Queenstown Town Centre extension and 1 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the ODP.”

- 4.70 The last sentence of this statement is contrary to QLDC’s legal submissions and practice note. While QAC anticipates that this is in error, QAC submits that clarification is required to confirm whether Chapters 3 to 6 of the Proposed Plan apply to all Volume B land.

Conclusion

- 4.71 In addition to the above, various other amendments, as detailed in **Annexure A**, are required to ensure that Queenstown and Wanaka Airport are appropriately recognised and provided for in the Proposed Plan.
- 4.72 QAC considers that in the absence of amendments to the Proposed Plan to address and give effect to the above submission points and those set out in **Annexure A**:
- 4.72.1 The Proposed Plan will not promote the sustainable management or efficient use and development of natural and physical resources. The Proposed Plan is not the most appropriate way to achieve the purpose of the RMA, particularly when having

⁶ Refer paragraph 2, supplementary legal submissions for Queenstown Lakes District Council Regarding the use of section 293, dated 12 September 2019.

regard to the efficiency and effectiveness of the provisions relative to other means;

4.72.2 The Proposed Plan does not appropriately fulfil the requirements of section 32 of the RMA, particularly in terms of evaluation of the costs of implementing the provisions under section 32(2)(a), and

4.72.3 The Proposed Plan does not represent sound resource management practice, particularly with respect to planning for Airports in the Queenstown Lakes District.

4.73 QAC's submission points are addressed in further detail and additional points are made, in **Annexure A**, which is attached to and forms part of this submission.

5. **QAC seeks the following decision from the local authority:**

5.1 The submission points contained in Section 4 above and **Annexures A and B** which are attached to and form part of this submission be accepted, or that the Proposed Plan be amended in a similar or such other way as may be appropriate to address QAC's submission points; and,

5.2 Any consequential changes, amendments or decisions that may be required to give effect to the matters raised in QAC's submission.

6. **QAC wishes to be heard in support of its submission.**

7. **If others make a similar submission, QAC would be prepared to consider presenting a joint case with them at any hearing.**

Signature:



Rachel Tregidga

General Manager Property and Planning
Queenstown Airport Corporation

Date: 18 November 2019

Contact Details

Postal Address for Service: Queenstown Airport Corporation
c/- Mitchell Daysh Limited
PO Box 489
Dunedin 9054

Electronic Address for Service: kirsty.osullivan@mitchelldaysh.co.nz

Contact Person: Kirsty O’Sullivan / Claire Hunter
Telephone: 021 242 5453 / 021 996473
Email: kirsty.osullivan@mitchelldaysh.co.nz
claire.hunter@mitchelldaysh.co.nz

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Annexure A

Queenstown Airport Corporation's submission points

Provision	Position	Reason	Relief Sought
General Industrial Zone			
18A.1 Purpose	Oppose in part	Refer to paragraphs 4.29 to 4.33 of QAC's covering submission.	Amend the Purpose Statement to acknowledge the proximity of Queenstown Airport to the Glenda Drive General Industrial Zone and the need to manage activities that could impact on aircraft operations.
Policy 18A.2.3.4 Control activities and development by applying sound insulation ventilation standards or other appropriate mitigation to ensure they are not significantly adversely affected by Industrial and Service activities or by airport noise.	Oppose	Refer to paragraphs 4.23 to 4.28 of QAC's covering submission.	<p>Amend Policy 18A.2.3.4 as follows:</p> <p><i>Control activities and development by applying sound insulation ventilation standards or other appropriate mitigation to ensure they are not significantly adversely affected by Industrial and Service activities or by airport noise.</i></p> <p>Insert the following new objective and associated policies (derived from ODP Section 11.1.3 Objective 4 and Policies 4.1 and 4.2):</p> <p><u><i>Objective 18A.2.5: Business and industrial areas in proximity to Queenstown Airport to managed to ensure that the operations of the airport are not adversely affected by Activities Sensitive to Aircraft Noise.</i></u></p> <p><u><i>Policy 18A.5.1: Prohibit the location of any new Activity Sensitive to Aircraft Noise on industrial land within the Air Noise Boundary or Outer Control Boundary for Queenstown Airport.</i></u></p> <p><u><i>Policy 18A.5.2: Require as necessary mechanical ventilation for any alternations or additions to Critical Listening Environments within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.</i></u></p>

Provision	Position	Reason	Relief Sought
Objective 18A.2.4 Activities and development within the Zone are undertaken in a way that does not adversely affect the amenity of other zones.	Oppose in part	Refer to paragraphs 4.29 to 4.33 of QAC's covering submission.	Amend Objective 18A.2.4 as follows: <i>Activities and development within the Zone are undertaken in a way that does not adversely affect the amenity of other zones, or the functioning of Queenstown Airport.</i> Insert a new policy as follow: <i>Manage glare and dust effects and discourage refuse activities within the zone to avoid adverse effects on aircraft operations at Queenstown Airport.</i>
18A.3.2 Interpreting and Applying the Rules	Oppose	Refer to paragraphs 4.39 to 4.42 of QAC's covering submission.	Insert a new clause 18A.3.2.5 as follows: <i>Obstacle limitation surfaces at Queenstown or Wanaka Airport: Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.</i>
Rule 18A.4.5 Buildings: RD Discretion is restricted to: a. external appearance....	Support in part	Refer to paragraphs 4.23 to 4.28 of QAC's covering submission.	Amend Rule 18A.4.5 as follows: <i>Rule 18A.4.5</i> <i>Buildings: RD</i> <i>Discretion is restricted to:</i> <i>a. external appearance....</i>
Rule 18A.4.6 Any alteration and additions to existing building that contain an Activity Sensitive to Aircraft Noise.....		 <i>k. the design, construction, orientation and location of the alterations or additions to achieve adequate indoor sound insulation from aircraft noise within</i>

Provision	Position	Reason	Relief Sought
			<p><i>the Queenstown Airport Air Noise Boundary or Outer Control Boundary.</i></p> <p>Delete Rule 18A.4.6 and replace with proposed new standard 18A.5.10 as follows:</p> <p><i>Rule 18A.5.10</i></p> <p><i>Buildings within the Outer Control Boundary</i></p> <p><i>a. Buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.</i></p> <p><i>b. Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</i></p> <p><i>Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 or by submitting a certificate to the Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</i></p>
<p>Rule 18A.4.10</p> <p>Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act)</p> <p>Activity Status: NC</p>	<p>Oppose</p>	<p>Refer to paragraphs 4.29 to 4.33 of QAC’s covering submission.</p>	<p>Amend Rule 18A.4.10 as follows:</p> <p><i>Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act)</i></p>

Provision	Position	Reason	Relief Sought
<p>Rule 18A.4.13</p> <p>Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary or the Queenstown Airport Air Noise Boundary</p> <p>Activity Status: PR</p>	Support	Refer to paragraphs 4.23 to 4.28 of QAC's covering submission.	Retain rule as notified.
<p>18A.5.5 Building Height</p> <p>Maximum building height of 10m except where specified in Rule 18A.5.6</p> <p>Non-compliance status: NC</p>	Oppose	Refer to paragraphs 4.39 to 4.42 of QAC's covering submission.	<p>Retain the Operative District Plan height of 6m by amending Standard 18A.5.5 as follows:</p> <p><i>Maximum building height of 10m <u>6m</u> except where specified in Rule 18A.5.6</i></p>
<p>Rule 18A.5.7 Glare</p>	Oppose	Refer to paragraphs 4.43 to 4.45 of QAC's covering submission.	<p>Amend Rule 18A.5.7(d) as follows:</p> <p><i>a. all exterior lighting, other than footpaths or pedestrian link amenity lighting, installed on sites or buildings within the zone, shall be directed away from adjacent sites, roads, <u>flight paths</u> and public places, and so as to limit the effects on the night sky.</i></p> <p><i>b.</i></p> <p><i>d. <u>Lighting shall not mimic a design or form that resembles or conflicts with aircraft operations at Queenstown Airport.</u></i></p> <p>Amend the matter of discretion as follows:</p> <p><i><u>Effects of lighting and glare on amenity values, the transportation network, aircraft operations and the night sky.</u></i></p>

Provision	Position	Reason	Relief Sought
<p>Rule 18A.6.2.1</p> <p>Additions and alterations to buildings within the Outer Control Boundary – Queenstown Airport</p>	Support	Refer to paragraphs 4.23 to 4.28 of QAC’s covering submission.	Retain the clause as notified.
Rezoning		Refer to paragraphs 4.34 to 4.38 of QAC’s covering submission.	<p>Rezone the area of Industrial Zone land shown in Attachment B to Airport Zone (Stage 1 Decision) or include new provisions in the General Industrial Zone specific to this land that achieves similar or like relief; or,</p> <p>Rezone the area Industrial Zone land shown in Attachment B to Frankton Flats B (Activity Area E1) zone or including new provisions in the General Industrial Zone specific to this land that achieves similar or like relief; or,</p> <p>QAC’s least preferred option is to rezone this land Rural (as per the Stage 1 Decisions relief for the adjacent land).</p>
Variation to Chapter 7, 8, 9, 15 Glare			
<p>Rule 7.5.13 Glare</p> <p>Rule 8.5.11 Glare</p> <p>Rule 9.5.10 Glare</p> <p>Rule 15.5.9 Glare</p> <p>Non-compliance status: NC RD</p> <p>Discretion is restricted to:</p> <p>a. <u>Effects of lighting and glare on amenity values, the transportation network and the night sky.</u></p>	Oppose	Refer to paragraphs 4.43 to 4.45 of QAC’s covering submission.	<p>Amend the matters of discretion as follows:</p> <p>a. <u>Effects of lighting and glare on amenity values, the transportation network, aircraft operations and the night sky.</u></p>

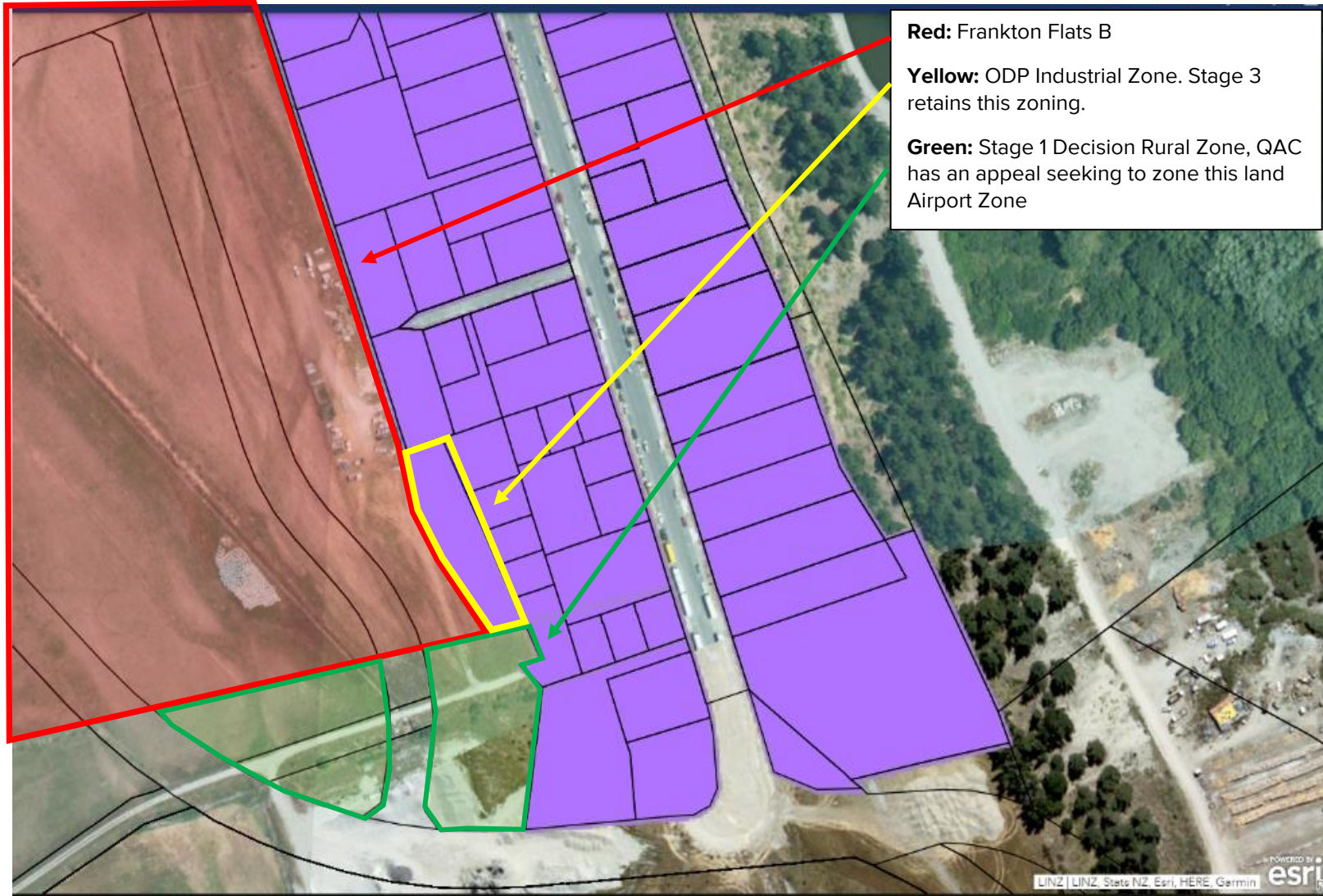
Provision	Position	Reason	Relief Sought
Variation to Chapter 30 Energy and Utilities			
<p>30.3.3 Interpreting and Applying the Rules</p> <p>Rule 30.3.3.1</p> <p>A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules unless any of the exceptions set out in Rule 30.3.3.3 apply.</p>	Support	Refer to paragraphs 4.46 to 4.54 of QAC's covering submission.	Retain as notified.
<p>Rule 30.3.3.5</p> <p>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.</p>	Support in part Oppose in part	Refer to paragraphs 4.46 to 4.54 of QAC's covering submission.	Amend as follows: <i>Airports and approach control services are defined as utilities. However,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 in Chapter 17.</i>
<p>Rule 30.5.1.5</p> <p>Water and irrigation races, drains, channels and underground pipes for water and irrigation.</p>	Oppose	Refer to paragraph 4.45 to 4.58 of QAC's covering submission	Amend Rule 30.5.1.5 as follows: <i>Except where captured by Rule 30.5.1.1, water and irrigation races, drains, channels and underground pipes for water and irrigation.</i> Insert new Rule 30.5.1.11 as follows: <i><u>Water and irrigation races, drains and channels located beneath the Aircraft Approach and Land Use Controls Designation at for Queenstown or Wanaka Airports.</u></i>

Provision	Position	Reason	Relief Sought
			<p><i>Activity Status: RD</i></p> <p><i>Discretion is restricted to:</i></p> <p>a. <i>Adverse effects on aircraft operations at Queenstown or Wanaka Airports.</i></p>
Rule 30.5.1.10 Stormwater detention / retention ponds or stormwater wetlands	Oppose	Refer to paragraphs 4.45 to 4.58 of QAC's covering submission.	<p>Amend Rule 30.5.1.10 as follows:</p> <p><i>Stormwater detention / retention ponds or stormwater wetlands</i></p> <p><i>Activity Status: RD</i></p> <p><i>Control is reserve to:</i></p> <p><i>Discretion is restricted to:</i></p> <p>a. <i>Effects on the use of open space;</i></p> <p>b. <i>Provision of safe access for maintenance;</i></p> <p>c. <i>Effects on health and safety</i></p> <p>d. <i>Landscaping-;</i></p> <p>e. <i>Adverse effects on aircraft operations at Queenstown or Wanaka Airports.</i></p>
Chapter 39 Wāhi Tūpuna			
<p>Schedule 39.6 Wāhi Tūpuna</p> <p>No mapped areas</p> <p>Take Kārara – wider Wānaka Area</p> <p>Te Kirikiri – area around Frankton</p>	Oppose	Refer to paragraphs 4.59 to 4.63 QAC's covering submission.	<p>Provide further clarification around the application of provisions to the “not mapped” areas; and,</p> <p>Delete “the not mapped” areas from Schedule 39.6.</p>

Provision	Position	Reason	Relief Sought
<p>Rule 25.4.5 Earthworks</p> <p>25.4.5.1 that modify, damage or destroy a wāhi tapu, wāhi tūpuna or other site of significance to Māori</p> <p>Activity Status: RD</p> <p>Discretion is restricted to:</p> <p>a. effects on cultural values of Manawhenua</p>	Oppose	Refer to paragraphs 4.59 to 4.63 QAC's covering submission.	<p>Amend Rule 25.4.5.1 as follows:</p> <p><i>Rule 25.4.5 Earthworks</i></p> <p><i>25.4.5.1</i> that modify, damage or destroy a wāhi tapu, <u>mapped</u> wāhi tūpuna or other site of significance to Māori</p>
<p>Rule 25.5.2 Maximum Volumes</p> <p>Wāhi Tūpuna areas</p> <p>Maximum Total Volume: 10m³</p>		Refer to paragraphs 4.59 to 4.63 QAC's covering submission.	<p>Amend Rule 25.5.2 as follows:</p> <p><u>Mapped</u> Wāhi Tūpuna areas</p>

Annexure B

Map



Red: Frankton Flats B

Yellow: ODP Industrial Zone. Stage 3 retains this zoning.

Green: Stage 1 Decision Rural Zone, QAC has an appeal seeking to zone this land Airport Zone

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 (Aurora¹) 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

ORC²

- Andrew Maclennan
- Dr Ben Mackey

9. In addition, QAC³ 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 Limited⁴, 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

¹ Submission 3153

² Submission 3342

³ Submission 3316

⁴ Submission 3343

Limited⁵, 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*⁶. 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.

⁵ Submission 3080

⁶ [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 Court⁷ 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.

⁷ *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 activity⁸, subject to specified standards⁹. 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.

⁸ Regulation 43

⁹ 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*¹⁰.
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.

¹⁰ [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

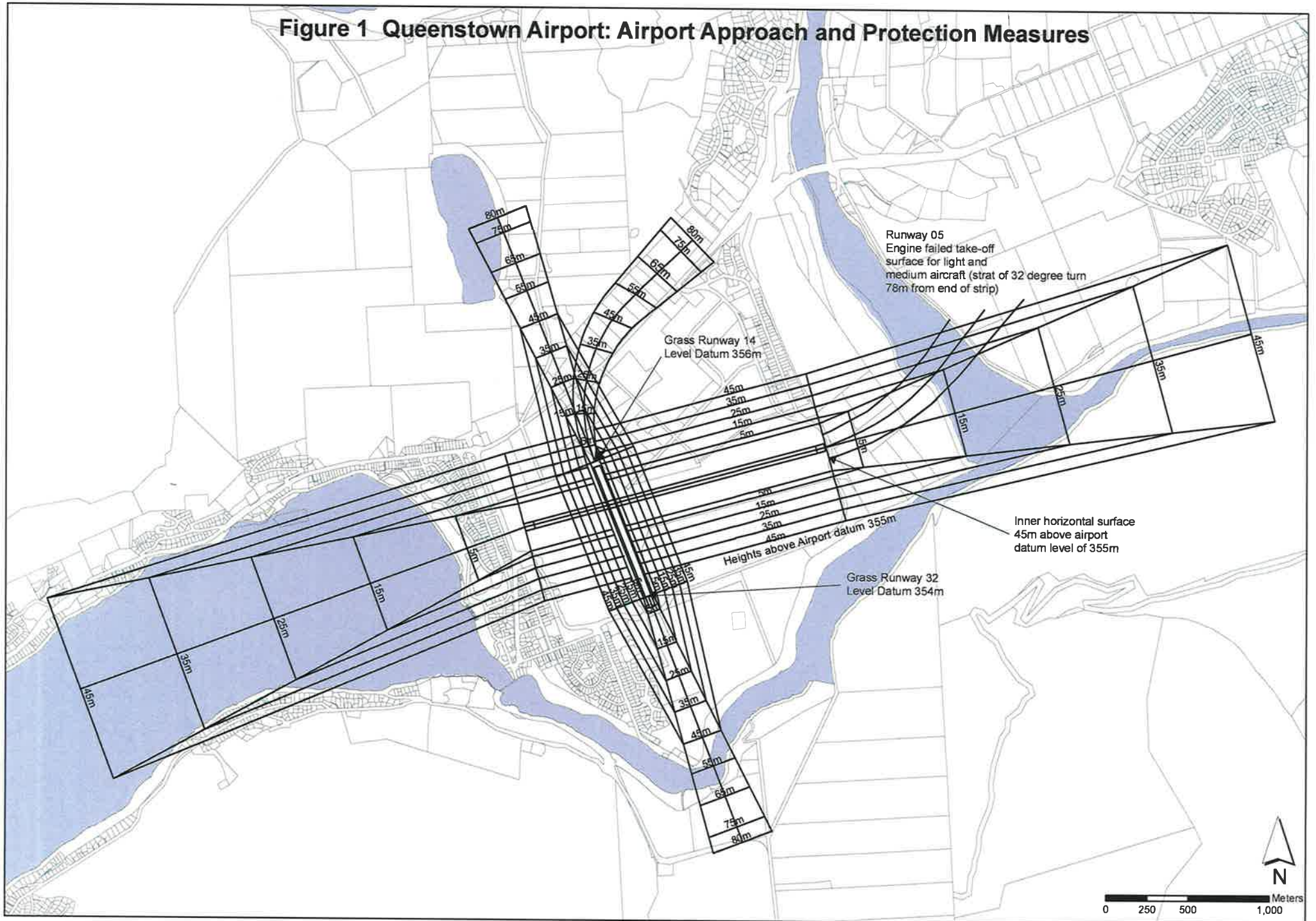
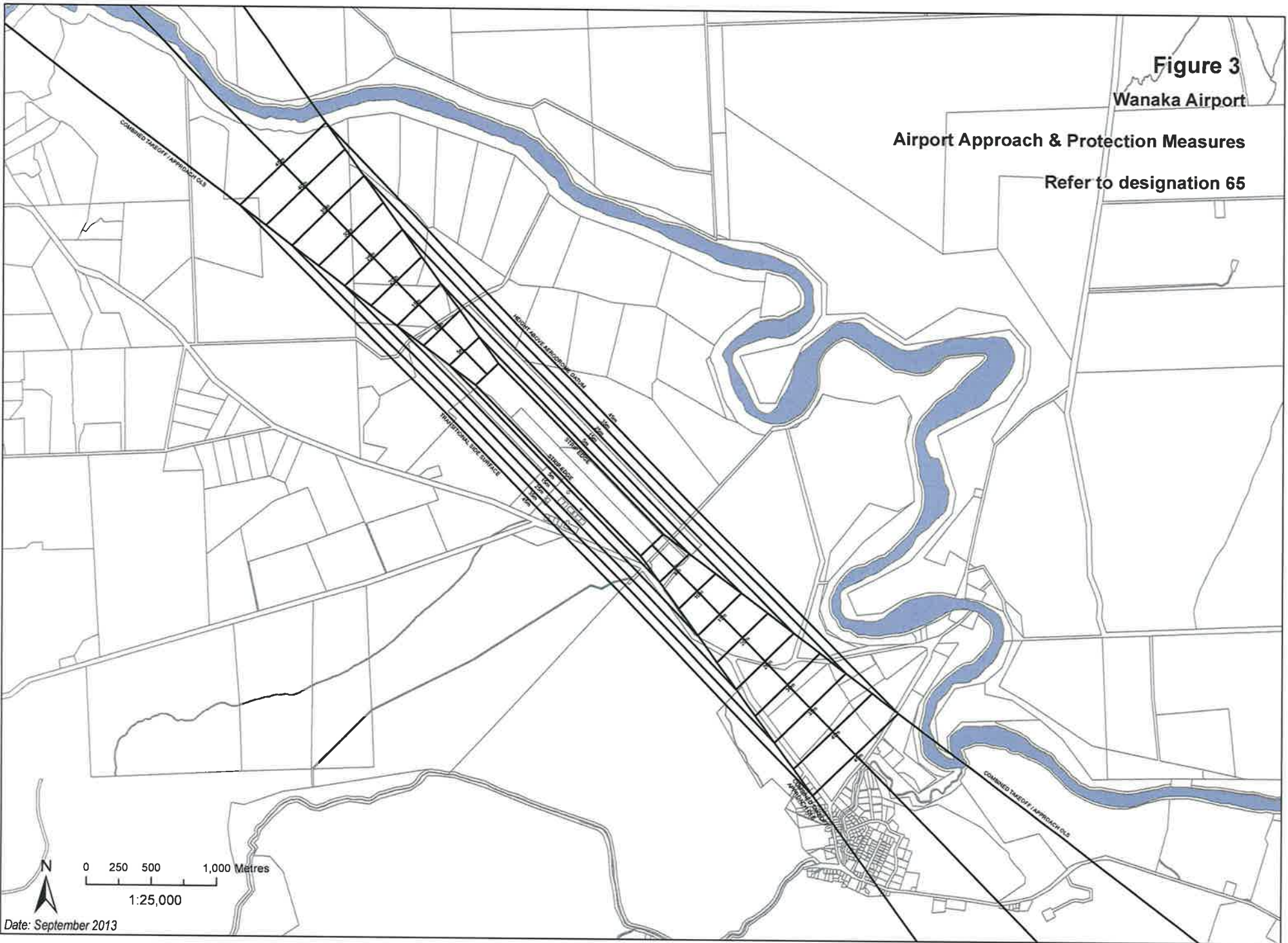


Figure 3
Wanaka Airport

Airport Approach & Protection Measures

Refer to designation 65



0 250 500 1,000 Metres
1:25,000

Date: September 2013

Variation to Chapter 2 Definitions:

<p>Regionally Significant Infrastructure</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><u>Municipal infrastructure</u></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"> I. <u>All land zoned within Part Three – Urban Environment, comprising Chapters 7 to 17 inclusive and Chapter 44 (Coneburn Industrial Zone).</u> II. <u>Any Open Space and Recreation Zone located within an Urban Growth Boundary identified on the Plan maps.</u> III. <u>Jacks Point Zone Chapter 41.</u>
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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

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 take ~~precedence over~~ prevail 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"> i. Arrowtown Residential Historic Management Zone; ii. Town Centre Special Character Areas; iii. Significant Natural Areas; iv. Outstanding Natural Landscapes; v. Outstanding Natural Features; vi. Heritage Features and Heritage Overlay Areas. 	
30.4.1.5	Renewable Electricity Generation Activities, other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building housing plant and electrical equipment.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <p>30.4.2.1.1 Not overhang the edge of any building.</p> <p>30.4.2.1.2 Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</p> <p>30.4.2.1.3 Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</p> <p>30.4.2.1.4 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.1.5 Not intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.1.6 Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</p> <p>30.4.2.1.7 Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.</p>	D

30.4.2	Renewable Energy Standards	Activity Status
	<p>30.4.2.1.8 Not exceed 150m² in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.9 Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.10 Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	
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 10m² in area and 2.5m in height.</p> <p>30.4.2.5.2 Be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>30.4.2.5.3 Be finished in recessive colours, consistent with the building it is servicing on site.</p>	D

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

	Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).	
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 10m² or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.15.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts for navigation or meteorology poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication lines and support structures. 	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	<u>Underground pipes and incidental structures and equipment for transmitting and distributing gas.</u>	<u>P</u>
30.5.1.4	<u>Underground pipes and incidental structures and equipment for the supply and drainage of water or wastewater.</u>	<u>P</u>
30.5.1.5	<u>Water and irrigation races, drains, channels and underground pipes for water and irrigation, other than those activities restricted by Rule 30.5.1.4.</u>	<u>P</u>
30.5.1.6	<u>Structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards.</u>	<u>P</u>
30.5.1.7	<u>Maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.</u>	<u>P</u>
30.5.1.8	<u>Underground pipes and incidental structures and equipment for the conveyance of stormwater.</u>	<u>P</u>
30.5.1.9	<u>Water, wastewater and stormwater pump stations.</u>	<u>P</u>

30.5.1	General Utility Activities	Activity Status
30.5.1.10	<p><u>Stormwater detention/retention ponds or stormwater wetlands, other than those activities restricted by Rule 30.5.1.13.</u></p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. <u>effects on the use of open space;</u> b. <u>provision of safe access for maintenance;</u> c. <u>effects on health and safety;</u> d. <u>landscaping.</u> 	C
30.5.1.11	<p>Buildings (associated with a Utility)</p> <p>The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.15.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication; c. line and support structures. <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. location; b. external appearance and visual effects; c. associated earthworks; d. parking and access; e. landscaping. 	C
30.5.1.12	<p><u>Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater, stormwater and gas.</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. <u>functional needs of the utilities;</u> b. <u>visual effects;</u> c. <u>Location, limited to the operation and function of the site, existing activities and effects on amenity values;</u> d. <u>odour effects.</u> 	RD

30.5.1	General Utility Activities	Activity Status
30.5.1.13	<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>	RD
30.5.1.14	<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 30.5.1.7.</u></p>	D
30.5.1.15	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings in:</p> <p>a. any Significant Natural Areas;</p> <p>b. the Arrowtown Residential Historic Management Zone.</p> <p>This rule does not apply to:</p> <p>a. masts or poles for navigation or meteorology;</p> <p>b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</p> <p>c. lines and support structures.</p>	D
30.5.1.16	<p>Flood Protection Works not otherwise provided for in Rule 30.4.5.1-230.5.1.2</p>	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"> a. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; b. lines and support structures for telecommunications. 	D
30.5.2.2	<p>Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p>Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. lines and support structures. 	D
30.5.2.3	<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"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. lines and support structures. 	D

30.5.3	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 ² 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"> a. less than 2.5m high; b. located at least 12m from a National Grid Support Structure; c. not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm. <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"> a. location; b. route; c. height; d. appearance, scale and visual effects. 	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"> a. location; b. route; c. appearance, scale and visual effects. 	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"> a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; e. 11m in any other zone; and f. 8m in any identified Outstanding Natural Landscape. <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"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone; 	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
	<ul style="list-style-type: none"> c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Area; f. Sites containing a Heritage Feature; and g. Heritage Overlay Areas. 	
30.5.6.8	<p>Antennas and ancillary equipment</p> <p>Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	P
30.5.6.9	<p>Antennas and ancillary equipment</p> <p>Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> a. location; b. appearance, colour and visual effects 	C
30.5.6.10	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Areas; and f. Heritage, Features and Heritage Overlay Areas. 	D
30.5.6.11	<p>Small Cell Units</p> <p>Provided that the small cell unit is not located within a Heritage Precinct.</p>	P
30.5.6.12	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 0.11m³ and 2.5m³ provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. appearance; b. colour; and c. visual effects. 	
30.5.6.13	<p>Small Cell Units and Microcells</p> <p>30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m³.</p> <p>OR</p> <p>30.5.6.13.2 A small cell unit located within a Heritage Precinct.</p>	D

30.6 Rules - Non-Notification of Applications

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

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

30.6.1.2 Discretionary activities for Flood Protection Works.

30.7 Queenstown Airport and Wanaka Airport Figures

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

